City of Pekin
AGENDA

REGULAR COUNCIL MEETING OF OCTOBER 10, 2005
5:30 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES
Regular Council Meeting of September 26, 2005

V. PUBLIC INPUT ON AGENDA ITEMS

VI. CONSENT AGENDA

1. Receive and File Reports and Minutes: Police, Liquor Commission, Tazewell County Animal Control, and Airport
2. Proclamation: International Alpha Delta Kappa Month October 2005
   Physical Therapy Month October 2005
   YWCA Week Without Violence October 16-22, 2005
3. Receive and File Annual State of Illinois Comptroller Fiscal Responsibility Report Card
4. Receive and File Zoning Board of Appeals Minutes Dated September

VII. NEW BUSINESS

1. Illinois Department of Transportation Agreement for Federal Participation
   14th Street & Park Avenue (JW)

VIII. ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL
Public Questions

Press Time

IX. ADJOURNMENT

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PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF THE CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY, SEPTEMBER 26, 2005 AT 5:30 O'CLOCK P.M.
LYNDELL N. HOWARD * MAYOR * PRESIDING

PRESENT: COMMISSIONERS, BLANCHARD, MADDOX, DAGIT, AND JONES

ABSENT: NONE

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The **Pledge of Allegiance** was led by Rick Bowman, Kevin Cone Mayor Howard recognized the five firefighters that arrived home from the cleanup efforts on the Gulf.

Roll was called and all commissioners were present.

Agenda

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that the **agenda be amended by removing Item 2 of New Business – Ordinance No. 2247 Establishing Compensation for Mayor and Council Members**. On roll call vote, all present voted Aye.

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that the agenda be **approved as now presented**. On roll call vote , all present voted Aye.

Motion by Com'r. Dagit, seconded by Com'r. Jones, that the **Minutes of the Regular City Council Meeting of September 12, 2005 be approved as written.** On roll call vote, all present voted Aye.

Public Input on Agenda Items

The following spoke in opposition of the increase sale tax:
Shirley Faichney 320 felt the City did not need to grow. Felt with growth came bigger expenses. It was Ms. Faichney's opinion that the City could not be short firemen if the Department was able to send 5 of its firefighters to the disaster cleanup in the South.
Bill Fleming Director of the Pekin Area Chamber of Commerce 402 Court Street read from a prepared statement the expressed concerns and the position of the Chamber members not to support the ¼% increase.
Mayor Howard indicated that there was no other alternative if the City did not create revenue sources except to then cut services or personnel. The purchase of food, drugs, vehicles would not be taxed the additional ¼%.
Ed 1009 South Capitol Street, questioned why the owners of the riverboat in Pekin were not charged for its mooring. He stated the City should be accountable on cost or savings of in house operations of the Treatment Plant and Garbage Collection.
Kevin Cone President of Pekin Firefighters Local 524 defended the need for firemen to meet the standards of staffing levels in order to have safety and timeliness.
Denny Vaughn 301 Caroline expressed the opinion that the City did need to hire firefighters and felt the ¼% increase to sales tax was better than an increased real estate tax.

A citizen questioned how much savings the City anticipated taking over the Garbage and Wastewater Treatment Operations. It was verified that the manager had documented a $135,000 savings the first year of the treatment plant operation and $265,000 savings the first year of the collection and landfill expenses

Consent Agenda

City Clerk Sue McMillan presented the following items under consent Agenda.
Motion by Com'r. Maddox, seconded by Com'r. Blanchard, that the Consent Agenda be **approved as presented**

1. Receive and File Reports and Minutes: Combined Revenue/Expenditure Report

2. Charitable Solicitation: Kiwanis Peanut Day November 4, 2005

On roll call vote, all present voted Aye.

PEKIN POLICE DEPARTMENT
END OF MONTH REPORT FOR SEPTEMBER 2005

Traffic Tickets	313
Warning Tickets	481
Offenses	444
Arrests	231
Parking tickets	1274
STOPS	688

Break down of Parking Tickets

Abandoned Vehicle	5
Fire Lane	1
No Parking Light	777
Handicapped	14
Improper Parking	79
Restricted Parking	331
No Parking Zone	53
Fire Hydrant	1
Abandoned traffic haz	0
Bus Zone	0
Meter violation TOTAL	13 694

CITY OF PEKIN

POLICE DEPARTMENT

TIMOTHY M GILLESPIE, CHIEF

400 MARGARET PEKIN, IL. 61554

PHONE 309/346-3132

FAX # 309/346-532

OCTOBER 3,2005

Mr. Dennis Kief
Pekin City Manager
Pekin, Illinois 61554

Dear Sir:

I submit, herewith, the Pekin Police Department SEPTEMBER 2005 report.

Respectfully,

Timothy M. Gillespie
Chief of Police
Pekin Police Department

Circuit Clerk Fines	$ 26,101.57
Drug and Dui Equip	1,572.25
Parking Enf	11,401.63
Copy Money	425.00
TOTAL	$39,500.45

Accident	93
Property Damage	11
Hit and Run	11
Bike	2
Pedestrian	0
Fatals	0
Injured	21

City of Pekin

LIQUOR COMMISSION MINUTES

MONDAY, OCTOBER 3, 2005
4:00 P.M.
CITY HALL COUNCIL CHAMBERS

The meeting was called to order at 4:02 p.m.
Member Gary Allen led the members in the Pledge of Allegiance.

ROLL CALL
Roll was called and the following members were present: Roy Bockler, David Eitenmiller, Gary Allen, John McCabe, Deputy Fire Chief Rick Bowman, and Deputy Police Chief Ted Miller.

Absent: Holly Brown

Also present: Attorney Sue Bosich, Public Works Director Joe Wuellner, City Clerk Sue McMillan, Liquor Commissioner Lyn Howard, applicant James Olt, and Pat Rodgers.

APPROVAL OF AGENDA
Motion by Eitenmiller, seconded by McCabe that the Agenda be approved as presented. On roll call vote, Eitenmiller, Allen, McCabe, Bowman, Miller, and Bockler. Motion carried.

NEW BUSINESS
Chairman Bockler presented an application, JO Productions, Inc. dba Generations Lounge and informed the members that as discussed at the regular meeting of September 22, 2005 the application was laid over until documentation was complete for review. He advised that there had been some miscommunications and in light of the issues called the special meeting.

Sue Bosich advised the commission that there were discrepancies regarding approval of the fence construction of the beer garden by the building department, the 100% open view approval by the police department, and the fire safety approval of the gate and occupancy by the fire inspector. It was legal opinion that to enforce that the lattice fence be changed to allow for complete view would require an amendment to the Liquor Code to clarify "unobstructed" view of the enclosed area.

Photos of the establishment's beer garden were presented.

Deputy Chief Miller asked that precedence not be set by allowing non-conforming fencing that had an obstructed view of the premises for the police officers.

Chairman Bockler informed members also that the gate did not meet Fire Code for the requirement of a "panic" arm.

The applicant was given the opportunity to address the members. He felt the Commission was discriminating when other open beer gardens were not in compliance. Mr. Olt sought Commission's immediate approval in order to start receiving income on his business investment.

McCabe questioned the dimensions of the submitted site plan. It was agreed there were some errors in the lengths of the walls and/or locations to the beer garden.

The Chairman asked the members to consider a license for the facility only with the condition that when the exit hardware safety issue is met that the beer garden would be allowed.

Motion by Allen, seconded by Eitenmiller that a recommendation is made to the Liquor Commissioner that a license be approved for JO Productions, Inc. dba Generations Lounge for the present structured building only, at 219 Court Street with the condition that beer garden provision be added to the license once all safety code requirements for beer garden and exit requirement are met.

Discussion followed. Attorney Sue Bosich stated that it was legal opinion that the language in the present code in regards to beer garden area was "unobstructed" and did not say 100% view. He felt the code was vague and suggested the commission review the definition to make a recommendation to change the Code.

Member Eitenmiller stated that there was a blatant blind spot in regards to the photo of the beer garden and image of a person through the fencing.

Chairman Bockler summarized the issues involved in the decision to layover the application, the miscommunication and the purpose of the special meeting:

Police report and proper fencing
Original site plan drawing presented not clear
Delay and changes to occupancy certificate and requirements

He informed members that procedural changes had been made that would improve timeliness and consistency in the application and check sheet process.

On roll call vote: Ayes: Allen, Eitenmiller, Bowman, Miller and Bockler
Nay: McCabe.
Motion Carried.

No further business to come before the Commission, **motion was made by Eitenmiller, seconded by Allen to adjourn. On roll call vote, all present voted Aye. Motion carried.**

Meeting adjourned at 4:30 P.M.

Respectfully submitted
Sue E. McMillan

City of Pekin

LIQUOR COMMISSION MINUTES

THURSDAY, SEPTEMBER 22, 2005
4:00 P.M.
CITY HALL COUNCIL CHAMBERS

The meeting was called to order at 4:00p.m. All in Attendance began with the Pledge of Allegiance.

Roll Call
Roll was called and the following members were present: Chairman Bockler, David Eitenmiller, Holly Brown, John McCabe, Gary Allen, Fire Chief Chuck Lauss, and Deputy Chief Ted Miller in for Police Chief Tim Gillespie.

Also present: Ron Sieh in for Joe Wuellner and Officer Rick VonRohr

Approval of Agenda
Motion by Eitenmiller to approve the Agenda and seconded by Brown.

Approval of Minutes
Motion by Eitenmiller, seconded by Allen, that the minutes of the Liquor Commission for the meeting of September 8th, 2005 be approved as written. Motion carried by voice vote.

Discussion: Correct August 11th minutes that McCabe was present. Brown questioned the minutes that the Hearings would be held at this meeting. Hearings cancelled due to conflicts with Attorney Bosich schedule.

NEW BUSINESS
City Attorney Report – No Attorney present at meeting

Police Liaison Report – Officer Rick VonRohr
Visited several liquor establishments; and everyone was very receptive to Liaison Officers. VonRohr handed out copies of his report. He was asked to check on a report that the Gianessi building was using the upstairs as a tattoo parlor. They would not let him in, but he did see alcohol on the bar, they stated a private party in progress.

Hole in the Wall is now in compliance.

Discussion followed: Further investigation by Police and City Attorney needs to review or amend the Special Use to Robert (Bob) Center.

Code Revisions:
Chairman Bockler asked that the next two meetings to have the code revisions and the 1st part of November to review.

Council Liaison:
Nothing at this time

Tour Visit:
Positive attitude rec'd, everyone pleased (Commission and Owners) on how the tour went.

License Application Review:
Jo Productions, Inc./James Olt, Jr. at 319 Court (Generations). Application was tabled until the October 13th meeting. Application not completely filled out.

Motion made by Eitenmiller to table the application until fully completed and be addressed when completed at the October 13th meeting. McCabe seconded.

Discussion followed: Ron inspected and listed 3 items to be fixed for the Inspections Department. Brown asked if we can adjust the Agenda for the October 13th meeting to get him on first, since the two Hearings were scheduled. Commission felt that the application was not completed and in compliance with the Liquor Code. Miller and VonRohr felt that the Beer Garden had an unobstructed view.

Roll call on the motion made by Eitenmiller: Chairman Bockler, yes – Lauss, yes – Brown, yes – Allen, yes – Miller, yes – Eitenmiller, yes – McCabe, yes to table application until fully completed.

Other Business:
Ron stated that Bob Center had contacted him to meet. Ron stated that Sue McMillan would like to add Amusements to the Check List.

Chuck had handouts on occupancy signs in liquor establishments.

No further business to come before the Commission, Chairman Bockler entertained a motion to adjourn, Motion made by Lauss, seconded by Brown to adjourn. On roll call vote, all present voted Aye. Motion carried.

Meeting adjourned at 5:30 P.M.
Respectfully submitted by Paula Gensel

TAZEWELL COUNTY ANIMAL CONTROL

City: PEKIN

Date: 10-1-05

Billing For Month of September

__________________________ $3,175.00

PEKIN CITY CLERK
111 S CAPITOL ROOM 242
PEKIN IL 61554

nimal Counts Brought in by Wardens between September 1, 2005 and September 30, 20(

City	Warden	Origin	PickUp Site	PickUp Dat	Species	Breed	Disposition	Days	Log #
Pekin									
	Hoyland	City	2307 COURT	9/1/2005	Dog	AUSS. MIX	A	5	51499
	Vogel	City	2204 FAHNDERS	9/2/2005	Cat	DSH	E	10	51508
	Vogel	City	2204 FAHNDERS	9/2/2005	Cat	DSH	E	10	51509
	Vogel	City	1315 WILLOW	9/2/2005	Dog	MIN PIN	A	18	51514
	Hoyland	City	2307 COURT	9/1/2005	Dog	AUSS. MIX	A	5	51501
	Vogel	City	209 SAPP	9/8/2005	Cat	DMH	E	6	51540
	Vogel	City	209 SAPP	9/8/2005	Cat	DMH	E	6	51539
	Vogel	City	209 SAPP	9/8/2005	Cat	DMH	E	8	51538
	Hoyland	City	2307 COURT	9/1/2005	Dog	AUSS. MIX	A	1	51496
	Hoyland	City	2307 COURT	9/1/2005	Dog	AUSS. MIX	E	11	51500
	Hoyland	City	2307 COURT	9/1/2005	Dog	AUSS. MIX	E	11	51498
	Hoyland	City	2307 COURT	9/1/2005	Dog	AUSS. MIX	E	11	51494
	Vogel	City	1611 N. 16TH	9/7/2005	Cat	DSH	E	9	51534
	Hoyland	City	2307 COURT	9/1/2005	Dog	AUSS. MIX	E	11	51495
	Hoyland	City	2307 COURT	9/1/2005	Dog	AUSS. MIX	A	1	51497
	Hoyland	City	2001 MARKET	9/16/2005	Cat	DSH	E	3	51588
	Vogel	City	1706 N. 12TH	9/21/2005	Dog	LAB	R	1	51607
	Vogel	City	2215 BROADWAY	9/29/2005	Cat	DSH	E	1	51669
	Vogel	City	1502 HENRIETTA	9/28/2005	Cat	DSH	E	2	51668
	Vogel	City	1503 S 18TH	9/28/2005	Cat	DSH			51662
	Vogel	City	2205 BROADWAY APTS	9/26/2005	Cat	DSH	E	2	51655
	Vogel	City	2205 BROADWAY APTS	9/26/2005	Cat	DSH	E	2	51654
	Vogel	City	2205 BROADWAY APTS	9/26/2005	Cat	DSH	E	2	51653
	Vogel	City	PEKIN PARK	9/26/2005	Dog	SHIH-TZU	R	1	51642
	Vogel	City	1509 HIGHWOOD	9/23/2005	Dog	SHIH TZU	R	0	51633
	Vogel	City	1520 JANSEN	9/22/2005	Dog	SHEP X	R	1	51632
	Hoyland	City	904 WINTER	9/21/2005	Dog	LAB			51613
	Mooney	City	1311 BLACK ST	9/9/2005	Dog	ROTT X	E	10	51550
	Hoyland	City	PEKIN RIVER FRONT	9/20/2005	Dog	HUSKY X	R	2	51602
	Hoyland	City	1009 IRENE	9/18/2005	Cat	DSH	E	8	51589
	Mooney	City	915 N. 11TH	9/14/2005	Dog	MIX	E	9	51584
	Hoyland	City	1611 N. 16TH	9/1/2005	Cat	dsh	E	1	51492
	Vogel	City	5TH AND WASHINGTON	9/21/2005	Dog	SHEP X	E	9	51606
	Mooney	City	1202 S. 3RD	9/9/2005	Cat	DSH	E	1	51551
	Vogel	City	1420 S. 8TH	9/23/2005	Dog	ROTT	E	3	51631
	Mooney	City	1210 MABLE ST	9/10/2005	Dog	MIX	A	6	51553

Total Dogs picked up in Pekin: 20

Total Cats picked up in Pekin: 16

Total Others picked up in Pekin: 0

imal Counts Brought in by Individuals between September 1, 2005 and September 30, 2(

City	In By	Origin	PickUp Site	PickUp Dat	Species	Breed	Disposition	Days	Log #
Pekin									
	Individua	City	1502 HENRIETTA	9/12/2005	Cat	DSH	E	2	51561
	Individua	City	216 HAMILTON	9/1/2005	Cat	DSH	E	18	51488
	Individua	City	1507 CHARLOTTE	9/19/2005	Cat	DSH	E	2	51591
	Owner R	City	RAINBOW DR	9/13/2005	Dog	PIT	E	1	51575
	Owner R	City	704 PARK AVE	9/13/2005	Cat	DSH	E	1	51573
	Owner R	City	704 PARK AVE	9/13/2005	Cat	DSH	E	1	51572
	Owner R	City	704 PARK AVE	9/13/2005	Cat	DSH	E	1	51571
	Owner R	City	926 PRINCE ST	9/21/2005	Cat	DSH	E	2	51609
	Owner R	City	704 PARK AVE	9/13/2005	Cat	DSH	E	1	51569
	Individua	City	1414 LORETTA	9/21/2005	Cat	DLH	E	9	51611
	Owner R	City	1410 CATHERINE	9/2/2005	Cat	DSH	E	5	51512
	Owner R	City	1410 CATHERINE	9/2/2005	Cat	DSH	E	5	51511
	Owner R	City	1410 CATHERINE	9/2/2005	Cat	DSH	E	5	51510
	Owner R	City	1107 S. 10TH	9/2/2005	Cat	DSH	A	4	51507
	Owner R	City	1107 S. 10TH ST	9/2/2005	Cat	DSH	A	4	51506
	Individua	City	216 HAMILTON	9/1/2005	Cat	DSH	E	18	51490
	Individua	City	216 HAMILTON	9/1/2005	Cat	DMH	E	18	51489
	Owner R	City	704 PARK AVE	9/13/2005	Cat	DSH	E	1	51570
	Owner R	City	1205 BLACK ST	9/23/2005	Cat	DSH	E	5	51637
	Individua	City	716 MOUGE	9/29/2005	Cat	DSH			51676
	Individua	County	RT 29 & RT 98	9/29/2005	Dog	BOSTON TERRIE			51672
	Owner R	City	273 KOCH	9/28/2005	Cat	DLH	E	2	51666
	Individua	City	WEST CAMPUS HS	9/27/2005	Dog	LAB	R	2	51659
	Individua	City	WEST CAMPUS HS	9/27/2005	Dog	LAB	R	2	51658
	Owner R	City	1205 BLACK ST	9/23/2005	Cat	DMH	E	5	51640
	Owner R	City	926 PRINCE ST	9/21/2005	Cat	DSH	E	2	51608
	Owner R	City	1205 BLACK ST	9/23/2005	Cat	DSH	E	-17	51638
	Owner R	City	1228 S. 7TH ST	9/30/2005	Cat	DLH	E	0	51688
	Owner R	City	1205 BLACK ST	9/26/2005	Cat	DSH	E	2	51636
	Owner R	City	1205 BLACK ST	9/23/2005	Cat	DSH	E	5	51635
	Individua	City	1827 VIENNA CT	9/23/2005	Cat	DSH			51629
	Individua	City	405 HERMAN	9/22/2005	Cat	DSH	E	8	51622
	Individua	City	1507 CHARLOTTE	9/22/2005	Cat	DSH	E	8	51618
	Individua	City	1507 CHARLOTTE	9/22/2005	Cat	DSH	E	8	51617
	Individua	City	1507 CHARLOTTE	9/22/2005	Cat	DSH	E	8	51616
	Owner R	City	1205 BLACK ST	9/23/2005	Cat	DMH	E	3	51639

Total Dogs picked up in Pekin: 4

Total Cats picked up in Pekin: 32

Total Others picked up in Pekin: 0

City of Pekin
Airport Commission Meeting Minutes
September 14, 2005

Commissioners: Present – Peter Kalman, Charles Thomas, Robert Ehrich, Lillard Hedden & Merrill Parsons
Attendees: Joe Wuellner, Stan Herrin, Sean Smith, Bill Green, Larry Byerly, Bruce Byerly, Al Lurie, Murray Brian, Rick Cunningham, Ric Woldow, John Bernardi, & Denny Driscoll

Chairman Kalman opened the meeting at 3:00pm.

Mr. Stan Herrin (CMT) went over the proposed TIP Plan for this year. Mr. Bruce Byerly suggested that an AWOS be added because he felt that this was more practical than an additional runway. Plan was accepted and final version will be sent out.

Mr. Kalman mentioned that the taxiway lights were out and had been out for some time. Mr. Wuellner stated that the problem had been corrected but will have Cristal Electric check the system out.

Mr. Kalman then re-opened the issue of the Batterton hangar. Mr. Green stated that he would like the hangar to store planes and that he bought and sold airplanes. Mr. Driscoll would also like to give flight instructions from this location. Mr. Larry Byerly was looking for a place to hang out and do some recreational flying and sales.

Mr. Hedden stated that at this time Mr. Brian was the only one with an agreement with Mr. Batterton for the hangar and that is what the commission should be addressing.

Mr. Thomas talked about the fact that Mr. Driscoll and Mr. L. Byerly would be subleasing the facility and what they would be doing. He asked Mr. Brian how he came about getting this agreement. Mr. Brian responded that he had covered this at the last meeting but that it was something he mentioned to Mr. Batterton a few years ago. Just recently Mr. Batterton asked him if he were still interested. Mr. Thomas mentioned the clause in the lease that referred to maintaining a medical clearance to fly and explained that this was put in as a way to limit the life of the lease. He stated that he talked with Mr. Lou Steger who was a committee member when this lease was made and they were trying to not give leases for longer than 20 years and this was done as a way around that issue. He then asked Mr. Brian again what type of business he intended to operate out of the hangar. Mr. Brian stated that it would be an aviation related business. Mr. Bruce Byerly stated that Mr. Brian has been a great asset to the airport.

Mr. Kalman got back to the lease issue and the fact that in two years the hangar could revert back to the airport. Mr. Thomas gave his thoughts on the likelihood of this being a get out quick scheme.

Mr. John Bernardi gave his observations of the current lease. He stated that it was obvious that either party would be bringing business to the airport. He feels that the lessee would be become Mr. Brian if the lease were transferred to him from Mr. Batterton and therefore the medical issue would be Mr. Brian's responsibility. This issue was discussed for several more minutes. Mr. Bernardi requested that Mr. Batterton's request be honored and he be released from the current lease and a new one be given to Mr. Brian.

Mr. Kalman asked the commission what they felt a reasonable time for this lease to be. Mr. Brian stated that he would like only the time that remained on the current lease.

Mr. Green stated that he would be happy with a 10 to 15 year lease and would accept the commission's decision.

Mr. Cunningham spoke on the concern of the commission being valid but the issue is can Mr. Brian have it or not. If nobody gets it what will become of it.

Mr. Kalman asked Mr. Thomas if he would consider modifying the lease. Mr. Thomas said no and felt the only thing at issue was can Mr. Batterton's request be honored giving it to Mr. Brian. It went back to Mr. Batterton's letter and the last sentence requesting he be released from the lease. Mr. Thomas made a motion to accept the assignment. Seconded by Mr. Parsons. Mr. Brian spoke that if the lease is just transferred without changes that he wanted to know that this was written in the minutes stating why.

Mr. Thomas revised his motion stating lease transfers as is with the medical provision and it still means Mr. Batterton has to show up in two years and prove he has a valid medical certificate.

Mr. Ehrich questioned Mr. Thomas why he was adamant about this. He replied that it was a way to increase airport revenue and that he has always been against leases longer than 20 years. Mr. Hedden stated that he feels it is immoral and not practical.

Mr. Parsons withdrew his second and the motion was withdrawn.

Mr. Bernardi offered a motion, on Mr. Brian's behalf, that the commission let Mr. Brian assume the remainder of the lease as lessee versus Mr. Batterton and that Mr. Batterton is released. Motion was officially entered by Mr. Ehrich and seconded by Mr. Hedden.

Mr. Kalman stated that this was not accurate since there were other interested parties. More discussion ensued and it was asked to restate the motion. Mr. Wuellner read back the motion that Mr. Brian be allowed to assume the remainder of the lease as the lessee and Mr. Batterton is released.

Mr. Kalman called for the vote. Those voting Aye were Hedden, Ehrich, and Parsons and those voting Nay were Thomas and Kalman. Motion carried.

Mr. Ehrich asked if it would be best to have Mr. Brian's attorney, the city attorney, and the chairman meet to work out a new lease and a release for Mr. Batterton. It was agreed that this would take place.

No other business to discuss and meeting adjourned at 5:15 PM.

Next meeting will be October 12, 2005 at 3pm.

WHEREAS, *Alpha Delta Kappa is celebrating International ADK Month, in October; and*

WHEREAS, *the International Honorary Sorority for Women Educations recognizes women who have proven themselves to be strong, efficient professional teachers; and*

WHEREAS, *it builds a fraternal fellowship, promotes high standards of education, sponsors educational and altruistic projects, and contributes to world understanding through an international fellowship of women educators; and*

WHEREAS*, scholarships and grants are available to ADK members for study and travel. An International Teacher Education Scholarship is granted to a foreign student who agrees to return to her own country and teach for a year; and*

WHEREAS, *the Alpha Theta Chapter of Alpha Delta Kappa at Pekin is comprised of 33 active members. Meetings are held monthly during the school year and on special occasions during the Summer; and*

WHEREAS, *in addition to fellowship and business, the Alpha Theta Chapter has been active in community and charity work. Throughout its 40 years, the Chapter has had many projects, including granting yearly scholarships to students in education, contributing to an area ADK Scholarship Fund, contributing to Christian Civic Outreach, Reading is Fundamental, and Toys for Tots; and*

NOW, THEREFORE, BE IT RESOLVED *that I, Lyn Howard, Mayor of the City of Pekin, Illinois, do hereby proclaim the month of October, 2005, to be*

"INTERNATIONAL ALPHA DELTA KAPPA MONTH"

in the City of Pekin, Tazewell County, Illinois

ADOPTED, *this 10th day of October, in the Year of Our Lord, Two Thousand and Five.*

LYN HOWARD
Mayor

ATTEST:

SUE E. McMILLAN
City Clerk

WHEREAS, The American Physical Therapy Association, Illinois Physical Therapy Association and Professional Therapy Services, Inc. will observe National Physical Therapy Month, October 2005; and

WHEREAS, This years theme is "Your Health, Our Hands"; and

WHEREAS, The mission of Professional Therapy Services, Inc. is to provide wellness and rehabilitative therapy services for their consumers; and

WHEREAS, Professional Therapy Services, Inc. is dedicated to the promotion of health and wellness through evaluation, treatment, prevention, and education or our community.

NOW, THEREFORE, BE IT RESOLVED that I, LYN HOWARD, Mayor of the City of Pekin, Tazewell County, Illinois, do hereby proclaim October 2005, as

"PHYSICAL THERAPY MONTH"

ADOPTED, this 10th day of October, in the Year of Our Lord, Two Thousand and Five.

LYN HOWARD
Mayor

ATTEST:

SUE E. McMILLLAN
City Clerk

WHEREAS, *the YWCA Week Without Violence, a public awareness campaign led by the YWCA, and*

WHEREAS, *the YWCA, the oldest women's membership movement in the United States, has a long history of empowering women and families, fostering racial justice and preventing violence. Through 363 local member associations with programs in thousands of communities in all 50 states, the YWCA represents more than one million women, girls, and their families; and*

WHEREAS, *YWCA Associations nationwide provide a wide range of programs and services, including battered women's shelters and counseling, child care, support of victims of rape and sexual assault, job training, sports and fitness, literacy and advocacy; and*

WHEREAS, *the campaign will focus unprecedented attention on practical and sustainable alternatives to violence at YWCA's, schools, community organizations, neighborhoods and workplaces nationwide and in 95 countries around the world; an*

WHEREAS, *the campaign will provide a series of national and local forums that will inspire communities to work together to create effective alternatives to violence. The YWCA Week Without Violence is a challenge to all Americans to spend seven days without committing, condoning, or contributing to violence.*

NOW, THEREFORE, BE IT RESOLVED *that I, Lyn Howard, Mayor of the City of Pekin, Illinois, do hereby proclaim the week of October 16th through October 22nd, 2005, to be*

"YWCA WEEK WITHOUT VIOLENCE"

in the City of Pekin, Tazewell County, Illinois and ask the citizens of our community to join me in supporting this effort by the YWCA of Pekin, a member of the YWCA of the U.S.A., dedicated to their communities and representing more than one million women, girls, and their families."

ADOPTED, *this 10th day of October, in the Year of Our Lord, Two Thousand and Five.*

LYN HOWARD
Mayor

ATTEST:

SUE E. McMILLAN
City Clerk

DANIEL W. HYNES
COMPTROLLER

www.ioc.state.il.us

September 15, 2005

Sue E. McMillian, Clerk
Pekin City
111 So. Capitol St.
Pekin, IL 61554

Unit Code: 090/070/30

Dear Clerk McMillian:

Annually, the Office of the Comptroller prepares the Fiscal Responsibility Report Card, assessing the overall fiscal health of local governments in the state of Illinois. One component of the Report Card is an Individual Data Summary, which details revenue, expenditure, fund balance and debt information for each unit of government that has submitted an Annual Financial Report (AFR) to the Office of the Comptroller. Additionally, the Data Summary provides averages and medians, allowing local governments to compare their finances to units of government with similar revenue and/or population.

Enclosed is a DRAFT of your local government's Data Summary and a "How to Read A Data Summary" document to help you understand the data contained on your Data Summary. Please review this document carefully to ensure that:

> ***It accurately reflects the Annual Financial Report (AFR) your government submitted to our office for FY 2004 - (there may be data entry errors).***
>
> ***All the numbers you submitted via Comptroller Connect Internet Filing are correct - (you may have made an error on the AFR your government submitted to our office).***

If you find errors on the enclosed Data Summary, please call the Local Government Assistance Hotline (877/304-3899) or fax (312/814-2986) your corrections to the Local Government Division.
All updated Data Summaries and/or amended AFRs must be submitted to the Office of the Comptroller by Monday, October 3, 2005.

**IF THE INFORMATION PRESENTED ON YOUR DATA SUMMARY "IS CORRECT"
YOU DO NOT NEED TO CONTACT US**

The Fiscal Responsibility Report Card and your Individual Data Summary will be available for public view and inspection January, 2006.

If you have any questions or concerns, please contact the Local Government Division at 877/304-3899.

Sincerely,

Brenda Handy
Deputy Director, Local Government Division

Local Government Division
100 West Randolph, Suite 15- 500
Chicago, IL 60601
877/304-3899 (toll free)
312/814-2986 (fax)

DANIEL W. HYNES
COMPTROLLER
www.ioc.state.il.us

Fiscal Year 2004
FISCAL RESPONSIBILITY REPORT CARD
DRAFT DATA SUMMARY

MUNICIPALITIES: Greater than 25,000

Local Government Profile

Unit Name	Pekin City
Unit Code:	090/070/30
County:	TAZEWELL
Fiscal Year End:	4/30/2004
Accounting Method:	Modified Accrual
Appropriation or Budget:	$37,071,169
Equalized Assessed Valuation:	$355,587,074
Population:	33,900
Employees:	
Full Time:	181
Part Time:	97
Salaries Paid:	$9,741,753

Blended Component Units

Fiscal Indicators

General and Special Funds	Amounts	Averages	Medians
Beginning Fund Balance for FY 04:	**$14,815,839**	$15,955,784	$13,558,273
Per Capita Beginning Fund Balance:	**$437**	$350	$300
Revenue Collected During FY 04:	**$20,300,277**	$37,964,679	$28,384,378
Expenditures During FY 04:	**$20,427,391**	$36,965,332	$27,556,725
Per Capita Revenue:	**$599**	$750	$705
Per Capita Expenditures:	**$603**	$740	$698
Revenues over (under) Expenditures:	**-$127,114**	$999,347	$612,377
Ratio of Fund Balance to Expenditures:	**72.45%**	51.72%	44.04%
Ending Fund Balance for FY 04:	**$14,799,649**	$17,053,044	$14,379,423
Per Capita Ending Fund Balance:	**$437**	$368	$309

Equity	Amounts	Averages	Medians
Total Reserved Funds:	**$**	$159,813	$
Total Unreserved Funds:	**$**	$1,165,287	$

Net Assets	Amounts	Averages	Medians
Total Restricted Net Assets:	**$4,618,643**	$9,693,710	$4,726,693
Total Unrestricted Net Assets:	**$10,691,648**	$5,897,428	$8,893,874

DANIEL W. HYNES
COMPTROLLER

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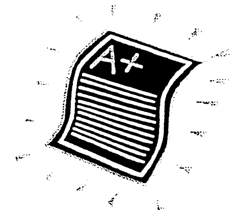

How to Read a Local Government Data Summary

Pursuant to the Fiscal Responsibility Report Card Act (35 ILCS 200/30-30 and 200/30-31), the Comptroller has prepared a FY 2004 Individual Data Summary for each local government that submitted an Annual Financial Report by its statutory deadline. Each individual Data Summary is divided into two sections – the Local Government Profile and Fiscal Indicators.

The top line under the heading indicates the type and dataset in which the individual government is being compared. Following is a list of government types and data sub-sets in which the types are compared.

GOVERNMENT TYPE: Type of government (county, municipality, township, or special purpose district).

DATA SUB-SETS:

County Sub-sets: Counties have been ranked into three sub-sets as follows:

- Small Population under 10,000
- Medium Population between 10,000 and 275,000
- Large Population over 275,000

Municipal Sub-sets: Municipalities have been ranked into three sub-sets as follows:

- Small Populations under 1,000
- Medium Population between 1000 - 25,000
- Large Population over 25,000

Township and Special Purpose Sub-sets: Townships and Special Purpose Districts have been ranked into two sub-sets by total revenues:

- Small Units with total revenues under $850,000
- Large Units with total revenues over $850,000

The ***Local Government Profile*** contains basic information about the local government for which the Individual Data Summary has been prepared. This section includes information from the Comptroller's local government database and the local government's Annual Financial Report. An explanation of each element included in the Local Government Profile is provided below.

UNIT NAME: The legal name of the government.

UNIT CODE: The unique identification number assigned to each local government by the Office of the Comptroller.

- **General and Special Funds Grouping:** The general fund is used to account for all financial resources except those required to be accounted for in another fund. Special Funds are legally restricted funds used to pay for specified purposes. Special funds also include the general funds of all blended component units. These two funds indicate the majority of stable operating funds for local governments.

Beginning Fund Balance for FY 2004: The amount of general and special funds the government had at the beginning of the fiscal year. This number should be the same as the Ending Fund Balance for FY 2002 to measure growth.

Per Capita Beginning Fund Balance: The beginning fund balance divided by population.

Revenue Collected During FY 2004: The general and special funds collected, including local government taxes, intergovernmental receipts, and other funding sources such as fees, charges, and interest. This field represents the majority of all-operating revenues and receipts.

Expenditures During FY 2004: A total of general and special fund expenditures by function. This field depicts operating expenditures.

Per Capita Revenue: Revenue divided by population – this represents the amount in taxes, fees, and fines paid by each resident. If a population was not provided, this indicator is not calculated.

Per Capita Expenditures: Expenditures divided by population – this represents the amount in government services spent for each resident. If a population was not provided, this indicator is not calculated.

Revenues over (under) Expenditures: The total of general and special fund expenditures subtracted from general and special fund revenues. If the figure is a positive number, the government collected enough revenue during the fiscal year to pay for services provided. If the figure is negative, the government did not collect enough revenue to cover expenditures.

Ratio of Fund Balance to Expenditures: Represents the amount of fund balance divided by the general and special fund expenditures. Each government should have at least a three-month reserve (33% of expenditures) and generally, no more than a two-year reserve (200% of expenditures). Governments carrying a fund balance of more than two years of unreserved (undedicated) funds could face a legal liability.

Ending Fund Balance for FY 2004: The general and special fund revenues minus expenditures, plus adjustments, plus the previous year's fund balance. This number should always be positive.

Per Capita Ending Fund Balance: The general and special revenues fund balance divided by population. This is the amount in reserve funds each resident paid.

- **Equity Grouping:**

Total Reserved Funds: The general and special revenues fund balance legally dedicated for future, short-term, programmatic purposes.

Total Unreserved Funds: The general and special revenues fund balance that is NOT dedicated for future purposes.

Pekin Zoning Board of Appeals
September 14, 2005

Present:
David Moehring
Bob Barra, Chairman
Mary Lanane
Curtis Eeten
Marilyn Kelso

Absent:
Ron Boehm
Gary Sciortino

Staff Present: Attorney Dancey, Joe Wuellner and Ron Sieh

Chairman Bob Barra, led the pledge of allegiance.

Chairman Bob Barra called the regular meeting of the Zoning Board of Appeals to order.

Roll call was taken and a quorum declared.

Chairman Bob Barra stated a correction of the agenda, needs to read approval of the August minutes not May.

MOTION by Marilyn Kelso, seconded by Mary Lanane to approve the Agenda as corrected. On roll call vote, all present voted **AYE. MOTION APPROVED.**

MOTION by Marilyn Kelso, seconded by Curtis Eeten to approve the minutes from the August 10, 2005 meeting. On roll call vote, all present voted **AYE. MOTION APPROVED.**

Correspondence: There were eleven letters sent to neighboring residents. No response was received.

Hearing #1:

David Perkins, Chairman of the Board of Directors, Parkway Christian Church, is requesting a variance to erect a 4 x 8 sign with a square footage of 32' the limit is 20 square feet according to the code at the property known as 2221 North Parkway Drive.

Open Public Hearing: 5:08PM

David Perkins was present for questions and stated his case.

Close Public Hearing: 5:13PM

David Moehring asked if there would be any blockage of entrance and exit of the church. David Perkins responded that he personally checked this out and the sign is placed far enough back where it would not interfere with traffic either way.

Marilyn Kelso asked for clarification of the size of the sign. David Perkins responded that it lacks some footage of being twice the size as the current sign.
Bob Barra asked for input from Staff. Ron Sieh stated he checked out the sight and he does not see any problems with traffic flow.

MOTION by Marilyn Kelso, seconded by David Moehring to approve the variance request. On roll call vote, all present voted **AYE. MOTION APPROVED.**

Hearing #2:

Roger Moore, owner, is requesting a variance to increase the size of his garage by 16', which at current time is only 3' from the house; code requires a 10' separation at the property known as 1600 Willow Street.

Open Public Hearing: 5:15PM

Roger Moore was present for questions and stated his case. He also stated that this is for storage only of Classic Cars and will not be a working garage.

Close Public Hearing: 5:23PM

David Moehring inquired as to how much of the property would be covered with the increase in the size of the garage.
Ron responded that the total lot, which is a corner lot, has a total square footage of 9,048, he would only be covering around 25% of the lot with a total coverage of 1,628 square feet.

Ron stated the only concern the staff has is the required footage by code between the house and the garage for fire code purposes.

MOTION by Mary Lanane, seconded by Marilyn Kelso to approve the variance request with exception that all code requirements be followed. On roll call vote, all present voted **AYE. MOTION APPROVED.**

MOTION by Marilyn Kelso, seconded by Marilyn Lanane to adjourn the meeting. On roll call vote, all present voted **AYE. MOTION APPROVED.**

Juanita VanBuskirk, Secretary
Zoning Board of Appeals

Sept 22 - 2005.

Commissioner of Zoning

This Letter is to ask you to disallow any Apartments in the Home at 416 So 7th Street -

(1) We are in a "One Family" zoning zone.

(2) This property has not been used for Apartment over 20 years & only for 3 year because "Vera Johnson" was afraid to live alone -

(3) The House has been empty for 6 years

(4) Also "Traffic" problems are very bad in the neighborhood.

(5) We have as high as 20 Children playing & the parents are scared for there Children.

(6) We are between 2 Schools & three Churches, there are meeting & programs constantly

(7) Please try to understand our "Fears".

Thank You

A Neighbor on S. 7th Street.

Catherine E. Franks

Sept 22 - 2005.

Commissioners (of) Zoning

This Letter is to ask you to disallow any apartments in the Home at 416 So 7th Street -

(1) We are in a "One Family" zoning zone

(2) This property has not been used for Apartment over 20 years & only for 3 years because "Vera Johnson" was afraid to live alone -

(3) The House has been empty for 6 years

(4) New "Traffic" problems are very bad in the neighborhood.

(5) We have as high as 20 Children playing & the parents are scared for their Children.

(6) We are between 2 Schools & three Churches, there are meetings & programs constantly.

(7) Please try to understand our "fear".

Thank You
(Neighbors on S. 7th Street.
Catherine E. [illegible]

City of Pekin
Public Works

Memo

To: Commissioners

From: Joseph W. Wuellner, Public Works Director

CC: Denny Kief & Sue McMillan

Date: October 5, 2005

Re: IDOT Local Agency Agreement – 14th & Park Ave. Intersection Upgrade

---

We have received and reviewed the Local Agency Agreement for Federal Participation from IDOT for the 14th and Park Ave. Intersection Improvements. This document follows the resolution that you passed in March allocating MFT funds to cover our portion of the project.

This project is being built to eliminate the traffic congestion at this intersection and ease some of the backups that occur at Court Street and 14th Street also. We are still anticipating being on the first letting in January 2006 which means that construction could start as early as March or April next year.

If you have any questions, please feel free to contact me.

Thanks,

Joe

March 14, 2005

Motion by Com'r. Richmond, seconded by Com'r. Jones, that the **ENGINEERING AGREEMENT WITH CRAWFORD, MURPHY & TILLY, INC.** for redesign and signalization of the intersection at 14th and Park Avenue in the amount of $37,800 be adopted. Mr. Wuellner told Council that the project would facilitate traffic in the congested area and would be funded through Motor Fuel Tax, the following two appropriating resolutions. The project would start in March 2006 and was estimated at $275,000. On roll call vote, all present voted Aye.

RESOLUTION NO. 97-04/05
ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT)
APPROPRIATING MFT FUNDING FOR ENGINEERING IN THE AMOUNT OF $37,800.00

Motion by Com'r. Richmond, seconded by Com'r. Jones, that Resolution No. 97-04/05 be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 98-04/05
ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT)
APPROPRIATING MFT FUNDING FOR CONSTRUCTION IN THE AMOUNT OF $90,750.00

Motion by Com'r. Richmond, seconded by Com'r. Jones, that Resolution No. 98-04/05 be adopted. On roll call vote, all present voted Aye.

Illinois Department of Transportation **Local Agency Agreement for Federal Participation**	Local Agency City of Pekin	State Contract x	Day Labor	Local Contract	RR Force Account
	Section 03-00170-00-TL	Fund Type STU		ITEP Number	

Construction		Engineering		Right-of-Way	
Job Number	Project Number	Job Number	Project Number	Job Number	Project Number
C-94-064-04	M - 5093 (114)				

This Agreement is made and entered into between the above local agency hereinafter referred to as the "**LA**" and the state of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "**STATE**". The **STATE** and **LA** jointly propose to improve the designated location as described below. The improvement shall be constructed in accordance with plans approved by the **STATE** and the **STATE**'s policies and procedures approved and/or required by the Federal Highway Administration hereinafter referred to as "**FHWA**".

Location

Local Name 14th Street and Park Avenue Route FAU 6708 Length 1700 feet

Termini 14th Street from Court Street to Center Street and Park Avenue from 13th Street to Court Street

Current Jurisdiction City of Pekin Existing Str. No N/A

Project Description

Installation of traffic signals at 14th Street & Park Avenue, interconnect signals to 14th Street & Court Street signals, remove curb median on Park Avenue, and bituminous surface removal and replacement.

Division of Cost

Type of Work	FHWA	%	STATE	%	LA	%	Total
Participating Construction	175,000	(70)		( )	75,000	(30)	250,000
Non-Participating Construction		( )		( )		( )	
Preliminary Engineering		( )		( )		( )	
Construction Engineering		( )		( )		( )	
Right of Way		( )		( )		( )	
Railroads		( )		( )		( )	
Utilities		( )		( )		( )	
TOTAL	$ 175,000		$		$ 75,000		$ 250,000

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

If funding is not a percentage of the total, place an asterisk in the space provided for the percentage and explain above.

The Federal share of construction engineering may not exceed 15% of the Federal share of the final construction cost.

Local Agency Appropriation

By execution of this Agreement, the **LA** is indicating sufficient funds have been set aside to cover the local share of the project cost and additional funds will be appropriated, if required, to cover the **LA**'s total cost.

Method of Financing (State Contract Work)

METHOD A---Lump Sum (95% of **LA** Obligation) ____________

METHOD B--- ____________ Monthly Payments of ____________

METHOD C---**LA**'s Share $75,000 divided by estimated total cost multiplied by actual progress payment.

(See page two for details of the above methods and the financing of Day Labor and Local Contracts)

Agreement Provisions

THE LA AGREES:

(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 **LA** 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 **LA**, and **STATE** and the **FHWA**, if required.

(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 Agency Highway and Street Systems.

(3) To provide for surveys and the preparation of plans for the proposed improvement and engineering supervision during construction of the proposed improvement.

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

(5) To maintain or cause to be maintained, in a manner satisfactory to the **STATE** and **FHWA**, the completed improvement, or that portion of the completed improvement within its jurisdiction as established by addendum referred to in item 4 above.

(6) To comply with all applicable Executive Orders and Federal Highway Acts pursuant to the Equal Employment Opportunity and Nondiscrimination Regulations required by the U.S. Department of Transportation.

(7) To maintain, for a minimum of 3 years after the completion of the contract, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General and the department; and the **LA** agrees to cooperate fully with any audit conducted by the Auditor General and the department; and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the **STATE** for the recovery of any funds paid by the **STATE** under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.

(8) To provide if required, for the improvement of any railroad-highway grade crossing and rail crossing protection within the limits of the proposed improvement;

(9) To comply with Federal requirements or possibly lose (partial or total) Federal participation as determined by the **FHWA**;

(10) (State Contracts Only) That the method of payment designated on page one will be as follows:

Method A - Lump Sum Payment. Upon award of the contract for this improvement, the **LA** will pay to the **STATE**, in lump sum, an amount equal to 95% of the **LA**'s estimated obligation incurred under this Agreement, and will pay to the **STATE** the remainder of the **LA**'s obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based upon final costs.

Method B - Monthly Payments. Upon award of the contract for this improvement, the **LA** will pay to the **STATE**, a specified amount each month for an estimated period of months, or until 95% of the **LA**'s estimated obligation under the provisions of the Agreement has been paid, and will pay to the **STATE** the remainder of the **LA**'s obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based upon final costs.

Method C - Progress Payments. Upon receipt of the contractor's first and subsequent progressive bills for this improvement, the **LA** will pay to the **STATE**, an amount equal to the **LA**'s share of the construction cost divided by the estimated total cost, multiplied by the actual payment (appropriately adjusted for nonparticipating costs) made to the contractor until the entire obligation incurred under this Agreement has been paid.

(11) (Day Labor or Local Contracts) To provide or cause to be provided all of the initial funding, equipment, labor, material and services necessary to construct the complete project.

(12) (Preliminary Engineering) In the event that right-of-way acquisition for, or actual construction of the project for which this preliminary engineering is undertaken with Federal participation is not started by the close of the tenth fiscal year following the fiscal year in which this agreement is executed, the **LA** will repay the **STATE** any Federal funds received under the terms of this Agreement.

(13) (Right-of-Way Acquisition) In the event that the actual construction of the project on this right-of-way is not undertaken by the close of the twentieth fiscal year following the fiscal year in which this Agreement is executed, the **LA** will repay the **STATE** any Federal Funds received under the terms of this Agreement.

(14) (Railroad Related Work Only) The estimates and general layout plans for at-grade crossing improvements should be forwarded to the Rail Safety and Project Engineer, Room 204, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois, 62764. Approval of the estimates and general layout plans should be obtained prior to the commencement of railroad related work. All railroad related work is also subject to approval be the Illinois Commerce Commission (ICC). Final inspection for railroad related work should be coordinated through appropriate IDOT District Bureau of Local Roads and Streets office.

Plans and preemption times for signal related work that will be interconnected with traffic signals shall be submitted to the ICC for review and approval prior to the commencement of work. Signal related work involving interconnects with state maintained traffic signals should also be coordinated with the IDOT's District Bureau of Operations.

The **LA** is responsible for the payment of the railroad related expenses in accordance with the **LA**/railroad agreement prior to requesting reimbursement from IDOT. Requests for reimbursement should be sent to the appropriate IDOT District Bureau of Local Roads and Streets office.

Engineer's Payment Estimates in accordance with the Division of Cost on page one.

(15) And certifies to the best of its knowledge and belief its 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 antitrust 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.

(16) To include the certifications, listed in item 15 above and all other certifications required by State statutes, in every contract, including procurement of materials and leases of equipment.

(17) (State Contracts) That execution of this agreement constitutes the **LA**'s concurrence in the award of the construction contract to the responsible low bidder as determined by the **STATE**.

(18) That for agreements exceeding $100,000 in federal funds, execution of this Agreement constitutes the **LA**'s certification that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress, in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(c) The **LA** shall require that the language of this certification be included in the award documents for all subawards at all ties (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(19) To regulate parking and traffic in accordance with the approved project report.

(20) To regulate encroachments on public right-of-way in accordance with current Illinois Compiled Statutes.

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

(22) That the **LA** may invoice the **STATE** monthly for the **FHWA** and/or **STATE** share of the costs incurred for this phase of the improvement. The **LA** will submit supporting documentation with each request for reimbursement from the **STATE**. Supporting documentation is defined as verification of payment, certified time sheets, vendor invoices, vendor receipts, and other documentation supporting the requested reimbursement amount.

(23) To complete this phase of the project within three years from the date this agreement is approved by the **STATE** if this portion of the project described in the Project Description does not exceed $1,000,000 (five years if the project costs exceed $1,000,000).

(24) Upon completion of this phase of the improvement, the **LA** will submit to the **STATE** a complete and detailed final invoice with all applicable supporting supporting documentation of all incurred costs, less previous payments, no later than one year from the date of completion of this phase of the improvement. If a final invoice is not received within one year of completion of this phase of the improvement, the most recent invoice may be considered the final invoice and the obligation of the funds closed.

THE STATE AGREES:

(1) To provide such guidance, assistance and supervision and to monitor and perform audits to the extent necessary to assure validity of the **LA**'s certification of compliance with Titles II and III requirements.

(2) (State Contracts) To receive bids for the construction of the proposed improvement when the plans have been approved by the **STATE** (and **FHWA**, if required) and to award a contract for construction of the proposed improvement, after receipt of a satisfactory bid.

(3) (Day Labor) To authorize the **LA** to proceed with the construction of the improvement when Agreed Unit Prices are approved and to reimburse the **LA** for that portion of the cost payable from Federal and/or State funds based on the Agreed Unit Prices and Engineer's Payment Estimates in accordance with the Division of Cost on page one.

(4) (Local Contracts) That for agreements with Federal and/or State funds in engineering, right-of-way, utility work and/or construction work:

(a) To reimburse the **LA** for the Federal and/or State share on the basis of periodic billings, provided said billings contain sufficient cost information and show evidence of payment by the **LA**.

(b) To provide independent assurance sampling, to furnish off-site material inspection and testing at sources normally visited by **STATE** inspectors of steel, cement, aggregate, structural steel and other materials customarily tested by the **STATE**.

IT IS MUTUALLY AGREED:

(1) That this Agreement and the covenants contained herein shall become null and void in the event that the **FHWA** does not approve the proposed improvement for Federal-aid participation or the contract covering the construction work contemplated herein is not awarded within three years of the date of execution of this Agreement.

(2) This Agreement shall be binding upon the parties, their successors and assigns.

(3) For contracts awarded by the **LA**, the **LA** 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 **LA** 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 **LA**'s DBE program, as required by 49 CFR part 26 and 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 department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31U.S.C. 3801 et seq.). In the absence of a USDOT – approved **LA** 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.

(4) In cases where the **STATE** is reimbursing the **LA**, obligations of the **STATE** shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or applicable Federal Funding source fails to appropriate or otherwise make available funds for the work contemplated herein.

(5) All projects for the construction of fixed works which are financed in whole or in part with funds provided by this Agreement and/or amendment shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 et seq.) unless the provisions of that Act exempt its application.

ADDENDA

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

Number 1 Location Map ______________________

(Insert addendum numbers and titles as applicable)

The **LA** further agrees, as a condition of payment, that it accepts and will comply with the applicable provisions set forth in this Agreement and all addenda indicated above.

APPROVED

Name Lyn N. Howard

Title Mayor City of Pekin

Mayor

Signature ______________________

Date ______________________

TIN Number E-9993-0854-03

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

APPROVED

State of Illinois
Department of Transportation

____
Timothy W. Martin, Secretary

Date ______________________

By: ______________________
Secretary's Delegate – Victor A. Modeer, Director of Highways

____
Ellen Schanzle-Haskins, Chief Counsel

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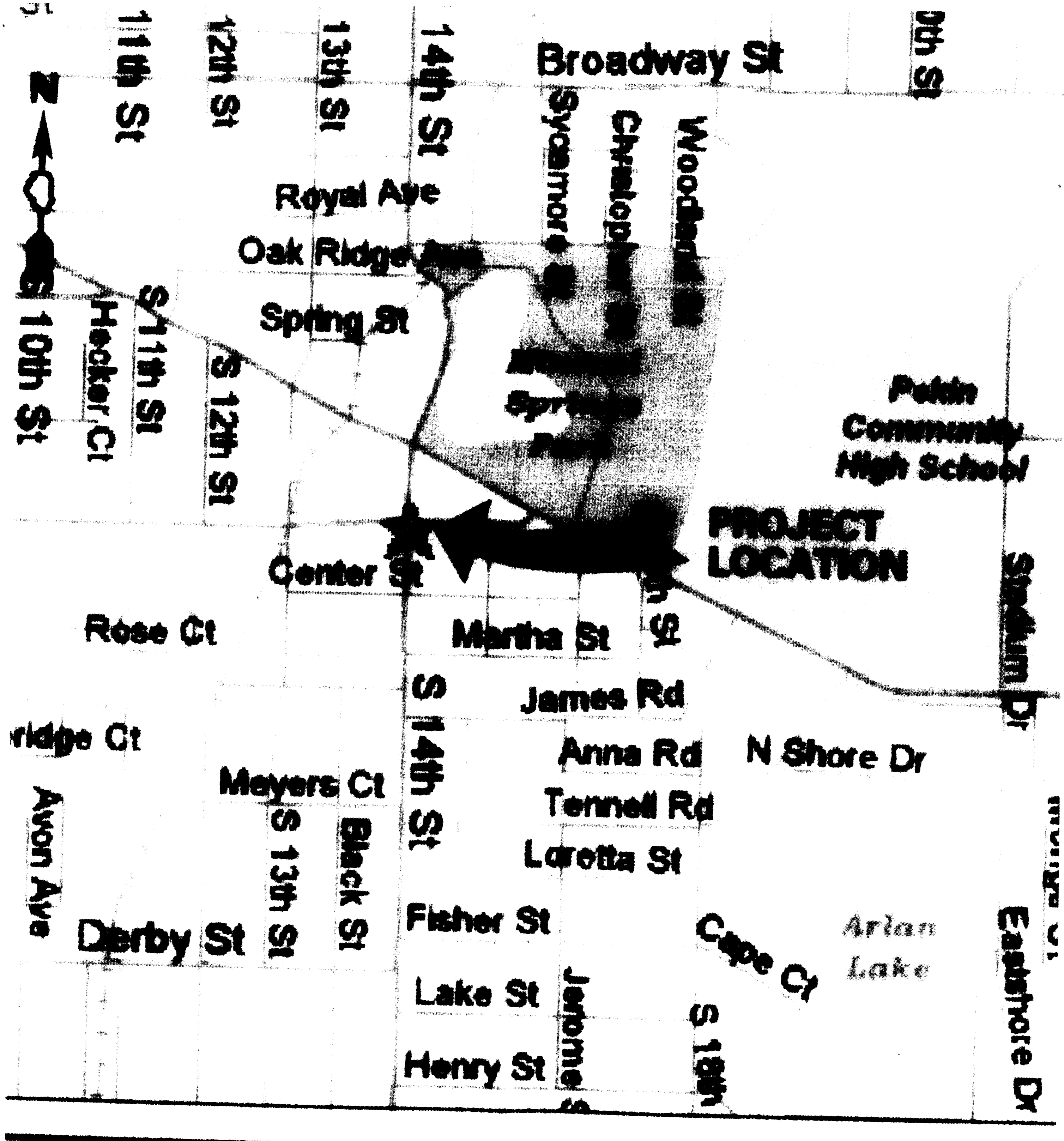
Robert J. Millette, Director of Finance and Administration



N
Broadway St
11th St
12th St
13th St
14th St
Royal Ave
Oak Ridge Ave
Spring St
S 10th St
Hecker Ct
S 11th St
S 12th St
Pekin Community High School
PROJECT LOCATION
Center St
Rose Ct
Martha St
Stadium Dr
James Rd
Anna Rd
N Shore Dr
Tennell Rd
Meyers Ct
Loretta St
Avon Ave
S 13th St
Black St
S 14th St
Derby St
Fisher St
Cape Ct
Arlan Lake
Lake St
Henry St
S 18th
Eastshore Dr