



City of Pekin

REGULAR COUNCIL MEETING RESCHEDULED TUESDAY, OCTOBER 9, 2007 5:30 P.M.

I. CALL TO ORDER

Mayor Pro-Tem Strand

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Clerk to Call the Roll

IV. APPROVAL OF AGENDA

ACTION: *Motion to approve the meeting agenda.*

VOTE REQUIRED

V. APPROVAL OF MINUTES

ACTION: *Motion to approve minutes of Regular Council Meeting of September 24, 2007.*

VOTE REQUIRED

VI. PUBLIC INPUT ON AGENDA ITEMS

Speakers to state name, address, and spell last name. Questions unrelated to agenda items are accepted during "Public Questions" near the end of the meeting.

VII. CONSENT AGENDA

1. **Monthly Reports and Minutes:** Tazewell/Pekin Consolidated Communication Center September Report, Fire Department September Report, Police Department September Report
2. **Pekin Public Library Fund Financial Statements April 30, 2007**
Prepared by Willock Warning & Co., P.C.

ACTION: *Motion to approve all items listed on the Consent Agenda by Omnibus Vote.*

VOTE REQUIRED TO APPROVE CONSENT AGENDA

VIII. COMMUNICATIONS, PETITIONS, REPORTS

Impact of Statewide No Smoking Ban

PRESENTATION: *Fire Chief Chuck Lauss*

ACTION: *No Action to be taken.*

IX.

NEW BUSINESS

1. Concur with IDOT on Bid Letting Broadway/Parkway

(DK)

***DESCRIPTION:** State letting for the improvements to this intersection. All Right of Way secured. Two sources of funding, HES and PPUATS for \$800,000 with the project estimated @ \$1.2 million*

***ACTION:** Motion to concur with bid award.*

VOTE REQUIRED

2. Ordinance No. 1462-A 264-07/08 - Amending Title 8 of the Code of the City of Pekin 1995 Regarding the Traffic Code No Parking

(TG)

***DESCRIPTION:** The Traffic Safety Committee reviewed concerns that parked vehicles obstructed the view of traffic traveling on South 3rd Street at McLean Street and recommended No Parking on Third Street for a distance of 145' to the corner.*

***ACTION:** Motion to adopt ordinance.*

VOTE REQUIRED

3. Resolution No. 16-07/08 - Amending the Personnel Policy of the Employee Handbook Regarding Cell Phone Policy Revision

(DK)

***DESCRIPTION:** amendments in section 9.3 to the city policy on personal phone calls and for use of City cell phones.*

***ACTION:** Motion to adopt Resolution.*

VOTE REQUIRED

4. Amendment to Agreement Between City of Pekin, Illinois and Pekin LaMarsh Drainage And Levee District Dated April 9, 1990

(BD)

***DESCRIPTION:** Revision of the original 1990 agreement when the original boat ramp was installed. Will include requirements for the City for improvements around new ramp and parking areas.*

***ACTION:** Motion to approve Amendment to the Agreement.*

VOTE REQUIRED

5. Veterans Day

***DESCRIPTION:** Veterans Day is Sunday November 11, 2007. The holiday is celebrated on the following Monday. Council Members are asking to reschedule the Council Meeting of November 12, 2007 to Tuesday, November 13, 2007* **(DT)**

***ACTION:** Motion to reschedule meeting*

VOTE REQUIRED

X.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Members
Staff
Public Questions
Press Time

XI.

ADJOURNMENT

With no further action to come before the Council the Mayor declares meeting closed in open session.

NO VOTE REQUIRED

**PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY, SEPTEMBER 24, 2007 AT 5:30 O'CLOCK P.M.
SUE ANN KORTKAMP * MAYOR PRO TEM * PRESIDING**

**PRESENT: COUNCIL MEMBERS, ABEL, BLANCHARD, JONES, KORTKAMP, STRAND,
AND DUNN**

ABSENT: MAYOR R. DAVID TEBBEN

As provided by Resolution No. 237, establishing the procedure for appointing a mayor pro tem, Council Member Kortkamp was selected by alphabetical rotation to preside at the meeting in Mayor Tebben's absence from the City.

The **Pledge of Allegiance** was led by Pekin Community High School ROTC Broadmoor Junior High School Students.

Roll was called and all Council Members were present. Mayor Tebben was absent.

Agenda

Motion by Council Member Dunn, seconded by Council Member Blanchard, that the **agenda be approved as presented**. On roll call vote, all present voted Aye.

Motion by Council Member Dunn, seconded by Council Member Strand, that the **minutes of the Regular City Council Meeting of September 10, 2007, be approved as written**. On roll call vote, all present voted Aye.

Consent Agenda

Motion by Council Member Dunn, seconded by Council Member Abel, that the Consent Agenda be approved as presented.

Mayor Pro Tem Kortkamp read and presented the following for consideration of the Consent Agenda items by Omnibus Vote.

1. **Monthly Reports and Minutes: Building Report, LADD Minutes Dated August 16, 2007, T/PCCC Monthly Report for July and August, Fire Reports for July and August, and Traffic Safety Minutes Dated September 7, 2007**
2. **Charitable Solicitation: Amvets collection of non-perishables for food pantry**
3. **Receive and File Resignation of Fred A. Miri from the Economic Development Advisory Committee**
4. **Resolution No. 15-07/08 – Mayor's Appointment of Charles Skip Schermerhorn to the Economic Development Advisory Committee to fill the unexpired term of Fred A. Miri until the first Monday in May 2008.**
5. **Receive and File Planning Commission Minutes Dated September 12, 2007**
6. **Receive and File Pekin Planning Commission Hearings and Recommendations:**
 - a. Hearing #07-1744 (revised) – recommends the rezoning of property pending Annexation in the proposed Wedge Development Tract 1, from RM-1 with an RT designation to RV-1 (original received by Council 08-27-09)
 - b. Hearing #07-1748 – recommends the zoning of South 5th Street Properties, Lots 1-3 to R-2 (Single Family Residential)
 - c. Hearing #07-1750 – recommends the amendment of Ordinance 9-10B-1/Parking as presented with corrections in wording to 9-20B-1-4E "vehicular parking" to complete the paragraph (Hearing #07-1747 additional code changes received by Council 08-13-07)

Motion was then made by Council Member Jones, seconded by Council Member Abel to move the proclamation, agenda item 7. to the next item of business. On roll call vote all present voted Aye.

Motion by Council Member Blanchard, seconded by Council Member Jones, that the **MAYOR'S RESOLUTION IN PROCLAIMING THE MONTH OF OCTOBER, 2007 AS "SAVE JAMES FIELD"** be received and filed. On roll call vote, all present voted Aye.

Mayor Pro Tem Kortkamp then read the proclamation. Val Umholtz and Jan Donahue were presented the document that encouraged the community to save the baseball field, a part of Pekin history. The Chair and Co-Chair announced plans for a fundraiser to meet the goal necessary for the planned improvements.

Public Input

John McCabe 1407 Glendale addressed Council regarding proposed amendments to the Zoning Code. He felt two reasons stated for not permitting the parking of vehicles in front yards were not justified. Ground cover appearance was an attempt to meet someone else's standards and that parking deteriorates curbs was not understandable. He asked that Council reconsider the change.

Wayne Schmidt 1300 Velde Drive spoke in regards to the design of the Parkway storm drainage plan. He had concerns that the water was received in Lake Kennedy along with silt and garbage.

Communications, Petitions, Reports

Snow Removal Report

Superintendent of Streets David Pagliaro informed Council through a Power Point Presentation the Operations of the Street Department for the Removal of Snow. He advised them of the miles covered, personnel, equipment and materials used in the operation. Questions from Council were answered regarding the completion of snow removal on main routes, hills, and residential streets; the price of salt, and the scheduling of the drivers.

Illinois River Sweep Report on clean-up of Pekin riverfront

Mark Werner Director of the local sweep, returned to the Council to present the results of the event and to recognize the efforts of those that donated their time including the ROTC, Broadmoor students and Girl Scout Troop #4108.

New Business

ORDINANCE NO. 1568-A166-07/08

AN ORDINANCE PROVIDING FOR THE ZONING OF CERTAIN PROPERTY

1606, 1618, AND 1620 SOUTH FIFTH STREET

PIN # 10-10-11-100-001 AND 10-10-11-100-002 AND 10-10-11-100-003

Motion by Council Member Strand, seconded by Council Member Jones, that Ordinance No. 1568 – A166-07/08 be adopted. Zoning assignment of R-2 was recommended by the Planning Commission for three annexed residential properties. On roll call vote, all present voted Aye.

ORDINANCE NO. 2532-OA-07/08

AMENDING TITLE 9, CHAPTER 10 OF THE CODE OF THE CITY OF PEKIN 1995

REGARDING ZONING / PARKING FRONT YARD

Motion by Council Member Strand, seconded by Council Member Blanchard, that Ordinance No. 2532-OA-07/08 be adopted. Staff member presented amendments to zoning requirements that would allow parking in front yards under certain circumstances and grant wider latitude for the amount of space as approved area. It was proposed with hard surfacing, that driveways could be constructed not exceeding 45% of total front yard in R-4 residential zoning areas. Council members questioned boats and campers parked in front yards and the enforcement of violations. Attorney Dancey addressed each change in the amendment and advised Council that the language had always been in the code to not allow parking in front yards. Driveways under construction needed to be hard surfaced. Council Member Jones suggested a decision on the changes be delayed. Council Member Blanchard asked for more time to meet with staff to discuss the changes. He suggested that consideration should wait until the Traffic Safety Committee made their recommendations for on-street parking issue.

Motion by Council Member Blanchard, seconded by Council Member Jones, that Ordinance No. 2532-OA-07/08 be tabled. On roll call vote, Ayes, Blanchard, Jones, Dunn, Abel, Kortkamp; Nay, Strand. Motion Carried.

ORDINANCE NO. 2533-07/08
ACCEPTING AN AGREEMENT TO PURCHASE
AND AUTHORIZING THE PURCHASE OF REAL PROPERTY

Motion by Council Member Abel, seconded by Council Member Dunn, that Ordinance No. 2533-07/08 be adopted. City Manager Dennis Kief briefed Council on the acquisition of 6.6 acres of property from Veterans Drive Investments, LLC for acquisition of right-of-way for Veterans Drive. An exchange of property with Sangalli would follow in the steps to be taken for the annexation and completion of documentation of the Wedge development. On roll call vote, all present voted Aye.

Motion by Council Member Abel, seconded by Council Member Blanchard, that the **CITY MANAGER BE AUTHORIZED TO ENTER INTO A CONTRACT FOR CELL PHONE SERVICE WITH VERIZON WIRELESS**. The City Manager informed Council that a request for proposals was sent to determine if rates and charges being paid for City phones could be contracted at a lower amount. Three bids were received. Mr. Kief confirmed a savings of \$3,000-\$5,000 would be gained over the life of the contract. On roll call vote, all present voted Aye.

Motion by Council Member Jones, seconded by Council Member Abel, that the **RECYCLING GRANT AGREEMENT WITH TAZEVELL COUNTY IN THE AMOUNT OF \$67,000.00** be approved. Public Property Director Greg Ranney told Council that the agreement provided funds to be used in support and connection of the County Recycling Program, education of students in recycling areas, and to offset the cost of the City recycling program. On roll call vote, all present voted Aye.

Motion by Council Member Jones, seconded by Council Member Blanchard, that the **ADDENDUM TO THE CONTRACT WITH STS CONSULTANTS IN THE AMOUNT OF \$7,700.00 FOR THE DESIGN OF THE PARKWAY DRIVE STORM DRAINAGE PLAN** be approved. Public Works Director Joe Wuellner explained to Council that during negotiations of the acquisition of right-of-way one owner did not want to allow a permanent easement. The contract for design needed to be changed to relocate the outlet pipe and obtain additional right-of-way from District 108. Mr. Wuellner then addressed the questions asked in Public Input in regards to the drainage of stormwater from Parkway Drive area into Lake Kennedy. It was noted that dollars had been placed in the Five-Year Capital Plan to expend for dredging of the lake. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Member Blanchard voiced concern that the conditions of the railroad crossing on Derby Street had not been corrected. He requested that additional pressure be placed on the Canadian National Railroad or that the City take measures to repair the tracks. Attorney Dancey advised that the City might have liability in that regards and it would not be a wise choice to shut down the crossing. Signs were suggested to warn motorists of deteriorated tracks. It was agreed to draft a letter to the corporate offices that would place the railroad on notice. Pictures of the safety issue would document the importance of the matter.

Member Blanchard then noted that the results of a poll taken by the *Pekin Daily Times* regarding the community's rating for priority projects was Treatment Plant Expansion, Southside TIF, Veterans Drive Extension.

Discussion was held regarding the regular schedule Council meetings of the first Monday in October and the first Monday in November. As provided in the Code Council would meet on Tuesday October 9, 2007 following Monday observance of Columbus Day. Veterans Day falls on a Sunday with Federal observance on Monday, November 12. Council would be asked to vote on rescheduling the Council Meeting in November to Tuesday, November 13, 2007.

Announcement was made that the annual Fall Spruce Up Pekin would take place on Saturday, October 6. During renovation to James Field, the drop-off location had been moved to Pekin Park District parking lot.

The City Manager announced that the City Up Date Community Day would be held on Monday, October 1, 2007.

Mr. Kief encouraged Council to contact staff before the Council meeting with questions or concerns on agenda items, which could avoid tabling projects for additional information.

Public Works Director Joe Wuellner informed Council with weather permitting the demolition of the old Vogel Building would take place on Sunday morning to avoid shutting down the 2nd Street State Highway.

Bill Gilroy 1312 South 11th Street commented on the discussion that took place regarding parking in front yards and graveled driveways. He also encouraged motorists to slow down at the hazardous railroad crossing on Derby Street that Council had discussed.

Wayne Schmidt spoke in regards to Lake Kennedy taking in garbage and silt. He felt a change to the lake occurred at the time an adjacent developer dredging project started.

Carol and Allen Martin 1401 Peoria voiced disapproval to code changes for front yard parking and labeled the fine violation as a means to regain revenue lost from the rescinding of the lights in parked vehicles law.

Reporters from the media, the *Pekin Daily Time*, and *Peoria Journal Star* were given the opportunity to ask questions.

No further business to come before the Council Mayor Pro-Tem Kortkamp adjourned the meeting.

COUNCIL ADJOURNED AT 6:50 P.M.

Sue E. McMillan
City Clerk

TPCCC MONTHLY STATISTICAL REPORT

Month _September 2007

Number of phone calls received 25,477 *

Number of 9-1-1 Calls __1824_____

Number of calls dispatched (all agencies) 4692

***= Included in total # of calls received**

Additional Comments:

**Steven F. Thompson, ENP
Director**



City of Pekin

October 3, 2007

Mr. Dennis Kief
Pekin City Manager
Pekin, IL. 61554

Dear Mr. Kief,

I hereby submit to you the Pekin Fire Department September 2007 report, plus a summary of August 2007.

Chuck Lauss
Fire Chief
City of Pekin Fire Department

During the month of September 2007, the Pekin Fire Department responded to 326 calls, total dollar loss was \$226,450.00.

During the month of September (approximately 69.13%) were emergency medical calls, 102 were automatic fire alarms, service calls, small hazardous conditions involving no fire, false alarms, brush fires, 1 structure fire with exposures, 1 dryer fire at Aventine, 1 vehicle fire which required extinguishment and/or investigation by fire fighting personnel.

During the month of September 2007, the Pekin Fire Department responded to 326 calls, total dollar loss was \$226,450.00.

During the month of August 2007, the Pekin Fire Department responded to 319 calls, total dollar loss was \$2,500.00.

During the month of August (approximately 71.92%) were emergency medical calls, 91 were automatic fire alarms, service calls, small hazardous conditions involving no fire, false alarms, brush fires, 1 structure fire, 1 vehicle fire which required extinguishment and/or investigation by fire fighting personnel.

During the month of August 2007, the Pekin Fire Department responded to 319 calls, total dollar loss was \$2,500.00.

On September 7, 2007 Fire Fighters responded to garage fire At 1123 Charlotte. Upon arrival one car garage was fully involved with the roof collapsed. Fire was controlled with the deck gun initially and then a 2 ½" handline was utilized to control the fire. The vehicle in the garage was a total loss. The garage was a total loss (Exposure 1). Damage to the residence (Exposure 2), the vinyl siding melted off of the rear of the house. Vehicle (Exposure 3) parked next to the garage was damaged. A small shed in the backyard was also damaged (Exposure 4). Total dollar loss was approximately \$6,200.00.

On September 14, 2007 Fire Fighters responded to scene of fire at 7 Florentine, that was out upon arrival. Contractor had been doing work on the water line that was feeding the water heater. He apparently inadvertently heated up the joint on the copper gas line and created a large gas leak which was ignited by his torch. Flames went into ceiling area of closet and melted some wires but did not spread. The contractor had shut off gas before our arrival and flames were out. Called for City inspector and cleared to go on another call. Total dollar loss was approximately \$50.00.

On September 14, 2007 Fire Fighters responded to Dryer fire at Aventine, 1300 S. 2nd, Street. Upon arrival found that while in the process of doing a shut down one of the dryers became too hot and caught the grain on fire. The fire spread throughout the duct system which is connected to all three of the dryers in the area. The fire was extinguished with 1 ¾ hand line. Total dollar loss was approximately \$200,000.00.

On September 23, 2007 Fire Fighters responded to a deck fire, at 1422 Howard Court. Upon arrival found smoldering area in deck. Occupant stated she had placed a cigarette in a wicker basket with a plastic liner. Water was not in liner causing a small fire on deck. Fire was contained to a small area in center of deck, burning through an area approximately 18 x 20". We cut open area and wet entire area down. Total dollar loss was approximately \$200.00.

On September 28, 2007 Fire Fighters responded a vehicle fire at Veterans Drive ¼ mile east of Veterans and ¼ mile south of Broadway. Upon arrival found grain truck cab/engine compartment fully engulfed. The corn stubble within a 30 foot range was also burning. We stretched a preconnected 1 ¾ inch hose and extinguished the vehicle and the corn stubble. Farmer was not present at the time of ignition, but noticed the fire after cresting the hill within the corn field. The grain truck involved cut loose of the break and the truck rolled against personal pick-up. Farmer moved personal truck and attempted to extinguish grain truck using fire extinguisher after advising son, who was off premises, to call 911. Total dollar loss was approximately \$10,000.00.

Total calls for the month of September were 326 and are as follows:

Fires	25
Rescue and EMS	224
Hazardous Materials	9
Other types of calls	68

Total dollar loss for the month of September was approximately \$226,450.00.

Total calls for the month of August were 319 and are as follows:

Fires	12
Rescue and EMS	228
Hazardous Materials	18
Other types of calls	61

Total dollar loss for the month of August was approximately \$2,500.00.

Pekin Fire Department
Training Division
Training report for the month of September 2007

This month several fire fighters completed on-line EMS training. All 3 shifts met at Tazewell Towing to observe 2 different types of vehicle stabilization struts. Both brands were put through the paces to see which style we may purchase in the future. This equipment certainly would be an asset to making a vehicle extrication scene much safer for our fire fighters. The pros and cons were discussed at the fire department safety committee meeting held this month.

All 3 shifts toured the new Winpak facility in the industrial park. I think everyone was quite surprised with the products that this company puts out. The alarm system was located and tested also. An employee fire drill is scheduled soon.

The Illinois Fire Service Institute came here to instruct the Rope Rescue Operations class September 24-28. This is one of several technical rescue classes required through the ITTF. We had 14 Pekin fire fighters challenge the class.

September 2007 Fire Prevention Report

The month of September 2007 was very eventful. The Pekin Fire performed several company inspections and public events. Below are the details of the month :
4th, 5th, 6th IEMA Conference Illinois Emergency Management Agency Conference in

Springfield, IL

- 6th Pekin High School Fire Safety Alarm Drill 2168 students evacuated.
- 7th, 8th, 9th Pekin Marigold Festival At Pekin Park.
- 10th Blood Pressure Screening at City Hall and Bus Department.
- 11th City of Pekin 911 Event at City Hall.
- 1111 Broadway St. Cohen's Building Fire Inspection with Developer.
- Willow School Fire Safety Event with School Children.
- 12th Pekin Paper Board 1525 S. 2nd Pekin, IL Fire safety Walkthrough
13 buildings and several safety codes noted.
- 12th 3216 Veterans Dr Pekin. REX TV store temp. use of Halloween sale shop.
- 19^h Pekin Insurance Appreciation Event at the Pekin Insurance Lodge.
- 19th Car Safety Seat Install at 3232 Court St. Pekin, IL
- 19th Tazewell County Smoke Free Coalition meeting talked of NFPA new fire
Safe cigarette law that takes effect January 1, 2008.
- 19th Hallmark Nursing Home Fire Sprinkler System Test.
- 19th House Fire 311 Parkridge Lane Pekin, IL Pekin Housing Authority duplex
Newly installed smoke and carbon monoxide detector notified the resident of
The fire.
- 20th Car Seat Install at 3232 Court St. Tazewell County Sheriffs Office.
- 24th IFSI Rope Rescue Class at 3232 Court St. – PIO public education and media
event notified the local media and Aventine of news coverage.
- 24th TMCSE (Schramm School Educational Facility) School safety review
ISBE for the House Bill 2693.
- 27th Pekin Grade School District 108 School safety review ISBE house bill 2693.
- 27th Tazewell County Police Chiefs Association education of the new fire safe
Cigarette meeting for the local police chiefs.

September 2007 Vehicle Report

All SCBA's flow tested
Fire 4 jeep serviced
Tower 3 rear tires replaced
Fire 5 tires replaced
Ladder 3 aerial tested
Amkus unit on Engine 3 fixed
Fire 5 van serviced
Tower 3 aerial tested
Truck 1 cable on ladder repaired
Aluminum bottles hydro tested
Fire 2 serviced
Utility 1 serviced
Utility 2 serviced
Utility 3 serviced
Fire 1 serviced
Fire 3 serviced
Brush 1 serviced
Rescue 2 serviced
Plymovent repaired at station 2
Rescue 2 running boards replaced
Ladder 1 starter repaired (warranty)
Boat 1 axle repaired

This is a brief overview of September 2007 and August 2007' events from the City of Pekin Fire Department. If you have any questions, please feel free to give me a call.

Respectfully Submitted,

Charles E. Lauss
Fire Chief
Pekin Fire Department

City of Pekin

Police Department

PEKIN POLICE DEPARTMENT END OF MONTH REPORT FOR SEPTEMBER 2007

	SEPTEMBER 2006	AUGUST 2007	SEPTEMBER 2007
TRAFFIC TICKETS	287	306	456
WARNING TICKETS	369	366	499
OFFENSES	499	558	467
ARRESTS	275	281	280
PARKING TICKETS	967	354	367
STOPS	695	976	977

Breakdown of Parking Tickets

Abandoned Vehicle	3	1	1
Fire Lane	6	2	1
No Parking Light	583	0	0
Handicapped	9	7	5
Improper Parking	33	13	16
Restricted Parking	285	314	305
No Parking Zone	19	12	30
Fire Hydrant	1	0	0
Meter Violation	28	5	8
Bus Zone	0	0	1
TOTAL	967	354	367

CITY OF PEKIN, ILLINOIS
PEKIN PUBLIC LIBRARY FUND
FINANCIAL STATEMENTS
APRIL 30, 2007

CITY OF PEKIN, ILLINOIS
PEKIN PUBLIC LIBRARY FUND
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Independent Auditor's Report

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INDEPENDENT AUDITOR'S REPORT

To the Board of Trustees of Pekin Public Library
and To the Honorable Mayor and City Council
City of Pekin, Illinois

We have audited the accompanying financial statements of the Pekin Public Library Fund of the City of Pekin, Illinois as of and for the year ended April 30, 2007, as listed in the table of contents. These financial statements are the responsibility of the City of Pekin, Illinois management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements present only the Pekin Public Library Fund and do not purport and do not, present fairly the financial position of the City of Pekin, Illinois as of April 30, 2007, and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Pekin Public Library Fund as of April 30, 2007 and the changes in financial position thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Willock Warning & Co., PC

Willock Warning & Co., P.C.

August 24, 2007

CITY OF PEKIN, ILLINOIS
PEKIN PUBLIC LIBRARY FUND

BALANCE SHEET

APRIL 30, 2007

ASSETS

Current assets:

Cash-operating	\$ 9,770
Investments-operating	85,003
Investments-endowments	254,528
Investments-capital development	433,395
Receivable-property taxes	937,000
Total current assets	<u>1,719,696</u>

Fixed assets:

Land	86,080
Building and improvements	2,099,690
Furniture, fixtures, and equipment	413,641
Books	1,485,755
Total, at cost	4,085,166
Less accumulated depreciation	<u>(1,926,429)</u>
Total fixed assets	<u>2,158,737</u>
Total assets	<u>\$ 3,878,433</u>

LIABILITIES AND FUND BALANCE

Current liabilities:

Accounts payable	\$ 14,706
Accrued wages	14,290
Deferred tax revenue	937,000
Total current liabilities	965,996

Long-term liabilities:

Notes payable-building purchase	310,000
Total liabilities	<u>1,275,996</u>

Fund balance:

Reserve for capital development	433,395
Unreserved, designated	254,528
Unreserved, undesignated	1,914,514
Total fund balance	<u>2,602,437</u>
Total liabilities and fund balance	<u>\$ 3,878,433</u>

The notes to the financial statements are an integral part of this statement.

CITY OF PEKIN, ILLINOIS
PEKIN PUBLIC LIBRARY FUND
STATEMENT OF REVENUES AND EXPENSES
YEAR ENDED APRIL 30, 2007

Operating revenues:

Real estate taxes	\$ 901,436
Replacement taxes	104,505
State per capita grant	41,424
Intergovernmental grants	9,792
Charges for services, fees, etc.	36,609
Other	2,161
Total operating revenues	<u>1,095,927</u>

Operating expenditures:

Salaries	472,806
Payroll taxes	73,898
Group health insurance	56,102
Workers' compensation insurance	2,882
Books, periodicals, cassettes, etc.	124,654
Circulation system	21,505
ISP costs	2,648
Equipment rental, supplies, postage	28,668
Program costs	7,787
Repairs and maintenance	33,479
Utilities	78,445
Telephone	1,852
Insurance	9,919
Dues and subscriptions	830
Travel and conferences	3,388
Outside services	1,566
Jail service expenses	332
Miscellaneous	2,318
Equipment purchases	12,258
Grant expenditures	6,907
Total operating expenses	<u>942,244</u>

Excess of operating revenues over
operating expenses

153,683

CITY OF PEKIN, ILLINOIS
PEKIN PUBLIC LIBRARY FUND
STATEMENT OF REVENUES AND EXPENSES
YEAR ENDED APRIL 30, 2007

Other revenues (expenses):	
Investment earnings-operations	\$ 13,186
Investment earnings-endowments	12,557
Investment earnings-capital development	7,160
Gifts and memorials	19,064
Capital development expenditures	<u>(112,496)</u>
Deficiency of other revenues over other expenses	<u>(60,529)</u>
Excess of operating and other revenues over operating and other expenses	93,154
Other adjustments:	
Add capitalization of capital development expenditures	112,496
Add capitalization of books	94,746
Less depreciation of fixed assets	<u>(163,609)</u>
Net excess of operating and other revenues over operating and other expenses and other adjustments	<u>\$ 136,787</u>

The notes to the financial statements are an integral part of this statement.

CITY OF PEKIN, ILLINOIS
PEKIN PUBLIC LIBRARY FUND
STATEMENT OF CHANGES IN FUND BALANCE
YEAR ENDED APRIL 30, 2007

Fund balance, beginning of year	\$ 2,465,650
Net excess of operating and other revenues over operating and other expenses and other adjustments	<u>136,787</u>
Fund balance, end of year	<u>\$ 2,602,437</u>

The notes to the financial statements are an integral part of this statement.

CITY OF PEKIN, ILLINOIS

PEKIN PUBLIC LIBRARY FUND

STATEMENT OF REVENUES AND EXPENDITURES-BUDGET AND ACTUAL

YEAR ENDED APRIL 30, 2007

	<u>Budget</u>	<u>Actual</u>	Variance Favorable (Unfavorable)
Operation revenues:			
Real estate taxes	\$ 900,434	\$ 901,436	\$ 1,002
Replacement taxes	78,000	104,505	26,505
State per capita grant	42,321	41,424	(897)
Intergovernmental grants	4,000	9,792	5,792
Charges for services, etc.	37,200	36,609	(591)
Other	2,300	2,161	(139)
Total operating revenues	<u>1,064,255</u>	<u>1,095,927</u>	<u>31,672</u>
Operating expenditures:			
Salaries	477,935	472,806	5,129
Payroll taxes	74,680	73,898	782
Group health insurance	67,500	56,102	11,398
Workers compensation insurance	2,800	2,882	(82)
Books, periodicals, etc.	123,155	124,654	(1,499)
Circulation system	23,326	21,505	1,821
ISP costs	2,600	2,648	(48)
Equipment rental, supplies, and postage	29,000	28,668	332
Program costs	4,300	7,787	(3,487)
Repairs and maintenance	33,200	33,479	(279)
Utilities	83,105	78,445	4,660
Telephone	2,500	1,852	648
Insurance	9,700	9,919	(219)
Dues and subscriptions	1,200	830	370
Travel and conferences	2,900	3,388	(488)
Outside services	300	1,566	(1,266)
Jail service expense	300	332	(32)
Miscellaneous	2,500	2,318	182
Equipment purchases	11,500	12,258	(758)
Grant expenditures	1,000	6,907	(5,907)
Total operating expenditures	<u>953,501</u>	<u>942,244</u>	<u>11,257</u>
Excess of operating revenues over operating expenditures	<u>110,754</u>	<u>153,683</u>	<u>42,929</u>

The notes to the financial statements are an integral part of this statement.

CITY OF PEKIN, ILLINOIS
PEKIN PUBLIC LIBRARY FUND
STATEMENT OF REVENUES AND EXPENDITURES
BUDGET AND ACTUAL
YEAR ENDED APRIL 30, 2007

	<u>Budget</u>	<u>Actual</u>	Variance Favorable (Unfavorable)
Other revenues (expenditures):			
Investment earnings-operations	\$ 12,000	\$ 13,186	\$ 1,186
Investment earnings-endowments	5,000	12,557	7,557
Investment earnings-capital development	-	7,160	7,160
Gifts and memorials	-	19,064	19,064
Capital development expenditures	(205,254)	(112,496)	92,758
Transfer from City General Fund	<u>77,500</u>	<u>-</u>	<u>(77,500)</u>
Excess (deficiency) of other revenue over other expenditures	<u>(110,754)</u>	<u>(60,529)</u>	<u>50,225</u>
Deficiency of operating and other revenues over operating and other expenditures	<u>\$ -</u>	<u>\$ 93,154</u>	<u>\$ 93,154</u>

The notes to the financial statements are an integral part of this statement.

CITY OF PEKIN, ILLINOIS
PEKIN PUBLIC LIBRARY FUND
NOTES TO THE FINANCIAL STATEMENTS
APRIL 30, 2007

NOTE 1 - SIGNIFICANT ACCOUNTING POLICIES

Reporting Entity

The Pekin Public Library Fund is a separate fund of the City of Pekin, Illinois. It is included in the governmental activities in the Statement of Net Assets and Statement of Activities of the City of Pekin's financial statements. These financial statements present only the Library Fund and are not intended to present fairly the financial position and results of operations of the City of Pekin in conformity with accounting principles generally accepted in the United States of America.

Operations of the Pekin Public Library (the "Library") are governed by nine officials, appointed by the Mayor and the City of Pekin with approval of the City Council, designated as the Board of Trustees.

Basis of Presentation

For many years, the primary focus of local governmental financial statements has been summarized fund-type information on a current financial resource basis. This approach has been modified by Government Accounting Standards Board (GASB) Statement No. 34 and the City of Pekin's financial statements present two kinds of statements, each with a different view of the City's finances. These changes affect the Pekin Public Library's financial statement in several ways:

1. The balance sheet of the Library no longer reports fixed assets as a separate account group apart from the operating assets;
2. Books purchased within the past ten years have been capitalized and added to the fixed assets. Library books are considered to have a useful life of greater than one year and, therefore, are subject to annual depreciation charges;
3. Accumulated depreciation on previous years' fixed assets has been calculated and recorded on the balance sheet.
4. The Statement of Revenues and Expenses (Statement 2) includes the current year charge for depreciation of fixed assets.

Basis of Accounting

The accrual basis of accounting, under which expenditures are recorded when the liability is incurred and revenues are recorded when earned regardless of the timing of related cash flows, is followed.

CITY OF PEKIN, ILLINOIS
PEKIN PUBLIC LIBRARY FUND
NOTES TO THE FINANCIAL STATEMENTS
APRIL 30, 2007

NOTE 1 - continued

Investments

The Library's investments are in accordance with state statutes. They are comprised of deposits with the State of Illinois Treasurer's investment pool.

Fixed Assets

Fixed assets include land, building and improvements, equipment, and books with an initial useful life of one year or greater. Assets are recorded at historical cost. The cost of normal repairs and maintenance that do not add to the value of the asset or materially extend the life of the asset are not capitalized.

Depreciation has been provided using the straight-line method over the estimated useful lives of the respective assets. The estimated useful lives for each fixed asset type are as follows:

Building and improvements	50 years
Furniture, fixtures and equipment	20 years
Books	10 years

Budget

The City of Pekin's annual budget and appropriations ordinances cover all funds of the City, including the Library, and is prepared on the accrual basis. Therefore, the statement of revenues and expenditures-budget and actual has been prepared on a basis consistent with and comparable to the legally adopted budget.

NOTE 2 - PROPERTY TAXES

Property tax revenues are recorded on the "deferred method". Because of the extraordinarily long period of time between the levy date and the receipt of tax distributions from the Tazewell County Treasurer, the property taxes are not "available" to finance current year expenditures. The tax levy for 2006, to be collected in June and September, 2007, is shown on the balance sheet as property taxes receivable with a related credit to deferred tax revenue.

The property taxes for 2005 were collected September through October, 2006 and received by the Library in October and December, 2006. These taxes have been recorded as real estate tax revenue in the financial statements.

CITY OF PEKIN, ILLINOIS
PEKIN PUBLIC LIBRARY FUND
NOTES TO THE FINANCIAL STATEMENTS
APRIL 30, 2007

NOTE 3 - CHANGES IN FIXED ASSETS

The following is a summary of the changes in fixed assets during the year:

	Balance <u>4/30/2006</u>	Additions (Retirements)	Balance <u>4/30/2007</u>
Land	\$ 86,080	\$ -	\$ 86,080
Building and improvements	1,988,644	111,046	2,099,690
Furniture, fixtures and equipment	412,191	1,450	413,641
Books	1,391,009	94,746	1,485,755
Total	<u>\$ 3,877,924</u>	<u>\$ 207,242</u>	<u>\$ 4,085,166</u>

NOTE 4 - EXPENDITURES FROM SPECIAL ACCOUNTS

During the year the following expenditures were made from line items not included in the Library's operating budget:

Purchases from gifts:

Books, cassettes, and CD's	\$ 2,019
Equipment	1,570
Program costs	2,722
Supplies	3,921
Conferences and meetings	6,248
Repayment of bequest	5,000
Building repair	500
Total	<u>\$ 21,980</u>

NOTE 5 - PURCHASE OF BUILDING/NOTE PAYABLE

In 1971 the Library and the Dirksen Center constructed a single building for the purpose of 1) housing a new library for the City of Pekin; 2) housing Everett McKinley Dirksen memorabilia and related documents, and 3) creating a Congressional Studies Center.

On October 29, 2002 the Library entered into a contract to purchase that part of the building solely owned by the Dirksen Center and those portions of the building designated as common or joint usage areas. The closing date of the purchase was October 2, 2003 with possession given upon closing.

The terms of the purchase were as follows:

Purchase price - \$620,000

Earned money on deposit at Herget National Bank on date of contract agreement and applied toward purchase price-\$100,000;

Amount of cash paid at closing - \$210,000

Amount of promissory note executed on closing date and due October 1, 2008 without interest - \$310,000.

CITY OF PEKIN, ILLINOIS
PEKIN PUBLIC LIBRARY FUND
NOTES TO THE FINANCIAL STATEMENTS
APRIL 30, 2007

NOTE 6 - FUND BALANCE RESERVE-CAPITAL DEVELOPMENT

Pursuant to policy established by the Board of Trustees, a reserve has been established for future capital development projects. The reserve has been divided into four categories. The chart below shows the capital limits and the amount of funding allocated to each category as of April 30, 2007:

<u>Category</u>	<u>Amount of Capital Limit</u>	<u>Funding as of 4/30/2007</u>
Capital Development and Maintenance	\$ 300,000	\$ 244,655
Technology	50,000	6,097
21st Century Library Fund	4,250,000	182,643
Total	<u>\$ 4,600,000</u>	<u>\$ 433,395</u>

NOTE 7 - FUND BALANCE UNRESERVED-DESIGNATED

The Library Board has created several endowment funds from the proceeds of bequests received throughout the years. None of the funds placed in the endowment funds have any legal restrictions or conditions imposed on their use. The Board has established certain criteria for the expenditure of the funds.

Public Act 095-0017

SB0500 Enrolled

LRB095 04425 KBJ 24470 b

AN ACT concerning public health.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Smoke Free Illinois Act.

Section 5. Findings. The General Assembly finds that tobacco smoke is a harmful and dangerous carcinogen to human beings and a hazard to public health. Secondhand tobacco smoke causes at least 65,000 deaths each year from heart disease and lung cancer according to the National Cancer Institute. Secondhand tobacco smoke causes heart disease, stroke, cancer, sudden infant death syndrome, low-birth-weight in infants, asthma and exacerbation of asthma, bronchitis and pneumonia in children and adults. Secondhand tobacco smoke is the third leading cause of preventable death in the United States. Illinois workers exposed to secondhand tobacco smoke are at increased risk of premature death. An estimated 2,900 Illinois citizens die each year from exposure to secondhand tobacco smoke.

The General Assembly also finds that the United States Surgeon General's 2006 report has determined that there is no risk-free level of exposure to secondhand smoke; the scientific evidence that secondhand smoke causes serious diseases, including lung cancer, heart disease, and respiratory illnesses such as bronchitis and asthma, is massive and conclusive; separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate secondhand smoke exposure; smoke-free workplace policies are effective in reducing secondhand smoke exposure; and smoke-free workplace policies do not have an adverse economic impact on the hospitality industry.

The General Assembly also finds that the Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are capable only of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments because it cannot determine a safe level of exposure to secondhand smoke, which contains cancer-causing chemicals, and ASHRAE acknowledges that technology does not exist that can remove chemicals that cause cancer from the air. A June 30, 2005 ASHRAE position document on secondhand smoke concludes that, at present, the only means of eliminating health risks associated with indoor exposure is to eliminate all smoking activity indoors.

Section 10. Definitions. In this Act:

"Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue

from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

"Department" means the Department of Public Health.

"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

"Employer" means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

"Enclosed or partially enclosed sports arena" means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

"Gaming equipment or supplies" means gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

"Gaming facility" means an establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

"Healthcare facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

"Place of employment" means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment".

"Private club" means a not-for-profit association that (1) has been in active and continuous existence for at least 3 years prior to the effective date of this amendatory Act of the 95th General Assembly, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for a recreational, fraternal, social,

patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

"Private residence" means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

"Restaurant" means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

"Retail tobacco store" means a retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

"Smoke" or "smoking" means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.

"State agency" has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

"Unit of local government" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970.

Section 15. Smoking in public places, places of employment, and governmental vehicles prohibited. No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. Smoking is prohibited in indoor public places and workplaces unless specifically exempted by Section 35 of this Act.

Section 20. Posting of signs; removal of ashtrays.

(a) "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this Act by the owner, operator, manager, or other person in control of that place.

(b) Each public place and place of employment where smoking is prohibited by this Act shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this Act by the owner, operator, manager, or other person having control of the area.

Section 25. Smoking prohibited in student dormitories. Notwithstanding any other provision of this Act, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

Section 30. Designation of other nonsmoking areas. Notwithstanding any other provision of this Act, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in subsections (a) and (b) of Section 20 of this Act.

Section 35. Exemptions. Notwithstanding any other provision of this Act, smoking is allowed in the following areas:

- (1) Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.
- (2) Retail tobacco stores as defined in Section 10 of

this Act in operation prior to the effective date of this amendatory Act of the 95th General Assembly. The retail tobacco store shall annually file with the Department by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this amendatory Act may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.

(3) Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

(4) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

Section 40. Enforcement; complaints.

(a) The Department, State-certified local public health departments, and local law enforcement agencies shall enforce the provisions of this Act and may assess fines pursuant to Section 45 of this Act.

(b) Any person may register a complaint with the Department, a State-certified local public health department, or a local law enforcement agency for a violation of this Act. The Department shall establish a telephone number that a person may call to register a complaint under this subsection (b).

Section 45. Violations.

(a) A person, corporation, partnership, association or other entity who violates Section 15 of this Act shall be fined pursuant to this Section. Each day that a violation occurs is a separate violation.

(b) A person who smokes in an area where smoking is prohibited under Section 15 of this Act shall be fined in an amount that is not less than \$100 and not more than \$250. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 15 of this Act shall be fined (i) not less than \$250 for the first violation, (ii) not less than \$500 for the second violation within one year after the first violation, and (iii) not less than \$2,500 for each additional violation within one year after the first violation.

(c) A fine imposed under this Section shall be allocated as follows:

(1) one-half of the fine shall be distributed to the Department; and

(2) one-half of the fine shall be distributed to the enforcing agency.

Section 50. Injunctions. The Department, a State-certified local public health department, local law enforcement agency, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this Act.

Section 55. Discrimination prohibited. No individual may be discriminated against in any manner because of the exercise of any rights afforded by this Act.

Section 60. Severability. If any provision, clause or paragraph of this Act shall be held invalid by a court of competent jurisdiction, such validity shall not affect the other provisions of this Act.

Section 65. Home rule and other local regulation.

(a) Any home rule unit of local government, any non-home rule municipality, or any non-home rule county within the unincorporated territory of the county may regulate smoking in public places, but that regulation must be no less restrictive than this Act. This subsection (a) is a limitation on the concurrent exercise of home rule power under subsection (i) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any regulation authorized under subsection (a) or authorized under home rule powers, any home rule unit of local government, any non-home rule municipality, or any non-home rule county within the unincorporated territory of the county may regulate smoking in any enclosed indoor area used by the public or serving as a place of work if the area does not fall within the definition of a "public place" under this Act.

Section 70. Entrances, exits, windows, and ventilation intakes. Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this Act so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

Section 75. Rules. The Department shall adopt rules necessary for the administration of this Act.

Section 80. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

(410 ILCS 80/Act rep.)

Section 90. The Illinois Clean Indoor Air Act is repealed.

INDEX

Statutes amended in order of appearance

New Act

30 ILCS 805/8.31 new

410 ILCS 80/Act rep.

Effective Date: 1/1/2008



Frequently Asked Questions about the Smoke Free Illinois Act

Will the Smoke Free Illinois Act replace the Illinois Clean Indoor Air Act?

Yes, the Illinois Clean Indoor Air Act will be repealed when the [Smoke Free Illinois Act](#) takes effect.

When does the Smoke Free Illinois Act go into effect?

January 1, 2008.

Have the administrative rules been codified yet and where can I find them?

The Illinois Department of Public Health is in the process of writing rules to implement the new law. Once drafted and approved by the State Board of Health, the proposed rules will be published in the [Illinois Register](#) and on the Department's [Proposed and Recently Adopted Rules](#) Web page.

Who is responsible for enforcing the Act?

The Illinois Department of Public Health, local public health departments, and local law enforcement agencies are required to enforce the act. These agencies may assess fines for violation of the act.

Will there be a phone number to call and register a complaint?

Illinois Department of Public Health will establish a telephone number by January 1, 2008, for persons to call and register a complaint.

Who can be fined and what are the fines for violating the act?

Any person, corporation, partnership, association or other entity violating the no smoking provisions of the act may be fined by one of the enforcement agencies. Each day that a violation occurs is a separate violation. A person who smokes in a prohibited area shall be fined from \$100 to \$250. A person who owns, operates, or otherwise controls a public place or place of employment that violates the act shall be fined not less than \$250 for the first violation, not less the \$500 for the second violation within one year after the first violation, and not less the \$2,500 For each additional violation within one year after the first violation.

Where will smoking not be allowed?

Smoking will be prohibited in a public place or place of employment or within 15 feet of an entrance to a public place or place of employment, unless exempted by the act. No person may smoke in any vehicle owned, leased, or operated by the state or a political subdivision

of the state.

Where will be smoking be allowed?

Smoking will be allowed in the following areas:

- Private residences or dwelling places, except when used as a child care, adult day care, or health care facility or any other home-based business open to the public.
- Retail tobacco stores* in operation prior to January 1, 2008.

** Defined in the act as an establishment that derives more than 80 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and in other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.*

- Private and semi-private rooms in nursing homes and long-term care facilities occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.
- Hotel and motel sleeping rooms rented to guests and designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25 percent of the rooms in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking and nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

How does the act define "smoke" or "smoking?"

"Smoke" or "smoking" means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah (e.g., shisha or sheesha), weed, herbs, or any other lighted smoking equipment.

Will business owners need to post "No Smoking" signs and remove ashtrays?

Yes, the signage and ashtray requirements are:

- "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red cross over it, must be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited.
- Each public place and place of employment where smoking is prohibited must have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- All ashtrays must be removed from areas where smoking is prohibited.

Can other non-smoking areas be established?

An employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking also is prohibited provided signs are conspicuously posted.

August 2007

idph online home



Illinois Department of Public Health
535 West Jefferson Street
Springfield, Illinois 62761
Phone 217-782-4977
Fax 217-782-3987
TTY 800-547-0466
[Questions or Comments](#)



REQUEST FOR COUNCIL ACTION

To: Council Members

CC: Dennis Kief, Sue McMillan, Angie Evans, & City Attorney

From: Joe Wuellner

AGENDA ITEM: Accept low bid of R.A. Cullinan for Broadway-Parkway Intersection Improvements

AGENDA DATE REQUESTED: October 8, 2007

ACTION REQUESTED: Concur with the low bid provided by R.A. Cullinan.

BACKGROUND: The intersection of Broadway and Parkway has been the number 2 accident location in town for several years. A study was started back in 2000 to see what improvements were needed and an application for Hazard Elimination Safety funds were sought. The funds were received for \$350,000 but the study was showing that in order to accomplish the necessary improvements the cost of the project was going to be closer to \$1,000,000. Additional funding was requested from PPUATS and received in 2004 being the total to \$700,000. Construction plans were completed earlier this year and along with a revised estimate that included all the cost increases seen over the past 3 years. The revised estimate was \$1,216,000. This equates to the City's share coming to about \$516,000 versus the \$300,000 that has been budgeted.

FINANCIAL IMPACT: Budget has \$300,000. As stated above an additional \$216,000 will be used.

NEIGHBORHOOD CONCERNS: This is the 2nd highest accident location in the City of Pekin. These improvements will add turn lanes and full upgrades to the traffic signals.

IMPACT IF APPROVED: The intersection will become more controlled and should reduce the number of accidents.

IMPACT IF DENIED: No improvements to the intersection will mean that it will continue to function as is currently does with the possibility of increasing number of accidents as traffic continues to increase in this area.

ALTERNATIVES: Due to current constraints of lane configurations, there are no alternatives to improving the flow.

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Strong Foundation and Safe Community.

REQUIRED SIGNATURES

Department Director

_____ Date

Finance Department

_____ Date

(Certification of Availability of Funds)

Corporation Counsel

_____ Date

(Certification of Review)

City Manager

_____ Date

[Handwritten Signature]

10-3-07

[Handwritten Signature]

10/3/07

ORDINANCE NO. 1462-A-264-07/08

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 4, SECTION 1 D
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING NO PARKING SCHEDULE
SOUTH THIRD STREET**

WHEREAS, the City of Pekin is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and function pertaining to its government and its affairs; and

WHEREAS, the Code of the City of Pekin 1995 was adopted on April 10, 1995, and duly published in book form;

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the City Code NO PARKING SCHEDULE regarding parking:

150 feet north of Winter Street on South Third Street for a distance of 145 feet north to the corner of McLean Street east side of street

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS:

1. That Title 8, Chapter 4, Section 1. D. be amended by deleting the existing No Parking Schedule dated July 24, 2006 in its entirety, and inserting the No Parking Schedule dated October 9, 2007 attached hereto and incorporated herein by this reference.

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as required by law.

PASSED AND APPROVED at the regular meeting of the City Council of the City of Pekin, this _____ day of _____, 2007; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2007.

Mayor

ATTEST:

City Clerk

Time	Duration	Days	On Street	At or From	To	Direction	Side
Total	Always	All days	Ann Eliza Street	North 8th Street	North 2nd Street	West	Both
Total	Always	All days	Barney Avenue	Court Street	Griffin Drive	North	Both
Total	Always	All days	Broadway	Front Street	Eastern City Limit	East-West	Both
15 minutes	6am-6pm	Mon-Fri	Buena Vista	Broadway	South 540'	South	West
Total	6:00am-6:00	Mon-Fri	Buena Vista	Broadway	South 620'	North	East
Total	Always	All days	Caroline Street	North 2nd Street	P & PU Railroad	East	South
2 hours	9am-5pm	Mon-Sat	Center Street	South 13th Street	Garden Street	East-West	Both
2 hour	8am-4pm	School	Commonwealth	East Shore Drive	East End	East-West	Both
Total	Always	All days	Court Street	South 4th Street	80' West	East	South
Total	Always	All days	Court Street	South 8th Street	Eastern City Limit	East-West	Both
2 hours	9am-5pm	Mon-Sat	Court Street	North 6th Street	North 2nd Street	West	Both
2 hours	9am-5pm	Mon-Sat	Court Street	South 2nd Street	Broadway	East	Both
Total	Always	All days	Court Street	Broadway	North 6th Street	West	Both
2 hours	8am-4pm	School	Court Street (Frontag	East Shore Drive	West Shore Drive	East-South	Both
Total	Always	All days	Cynthiana Street	Broadway	South 2nd Street	West	Both
Total	Always	All days	Derby Street	Morton Street	South 10th Street	West	Both
Total	Always	All days	Derby Street	Hoff Street	South 2nd Street	West	Both
2 hours	8am-4pm	School	East Shore Drive	Court Street	Commonwealth	North-South	Both
Total	Always	All days	Elizabeth Street	South Third Street	Capitol Street	West	North
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	Broadway	South 3rd Street	West	Both
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	South 3rd Street	South 5th Street	East	Both
Total	Always	All days	Elizabeth Street	Broadway	South 5th Street	West	South
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	South Third Street	Capitol Street	East	South
Total	Always	All days	Enterprise Drive	South 2nd Street	Riverway Drive	East-West	Both
Total	Always	All days	Entrance Drive	Orr Avenue	Court Street	North-South	Both
2 hours	9am-5pm	Mon-Sat	Haines Avenue	Hillyer Street	St Joseph Place	North-South	Both
Total	Always	All days	Hanna Drive	South 2nd Street	East end	East-West	Both
Total	Always	All days	Highwood Avenue	Valle Vista Boulevard	Summit Drive	South	West
Total	8:15am-8:45	School	Highwood Avenue	341' south of Melanie	456' north of Powers	North	East
Total	Always	All days	Highwood Avenue	Valle Vista Boulevard	Summit Drive	South	Both

Time	Duration	Days	On Street	At or From	To	Direction	Side
2 hours	9am-5pm	Mon-Sat	Hillyer Street	South 6th Street	South 8th Street	East-West	Both
Total	Always	All days	Illinois Street	North 14th Street	Earl Street	West	Both
Total	Always	All days	Koch Street	South 2nd Street	South 14th Street	East	Both
Total	Always	All days	Koch Street	Summer Street	100' East	West	North
Total	Always	All days	Lawndale Avenue	North 8th Street	Terrace Boulevard	East	Both
Total	Always	All days	Margaret Street	North 12th Street	North 13th Street	East	South
Total	Always	All days	Margaret Street	North 2nd Street	Court Street	East	Both
Total	Always	All days	Market Street	North 6th Street	North 5th Street	West	Both
Total	Always	All days	Market Street	North 19th Street	East dead end of street	East-West	Both
Total	Always	All days	Market Street	North 7th Street	North 8th Street	East-West	Both
Total	8:15am-8:45	School	Matilda Street	North 13th Street	North 14th Street	East-West	North
Total	Always	All days	McLean Street	Rosenberg Court	35' East of Rosenberg Court	East	South
Total	Always	All days	McLean Street	151' West of 8th Street	225' West of 8th Street	West	North
2 hours	8am-4pm	School	Monge Avenue	Court Street	Commonwealth	North-South	Both
2 hours	9am-5pm	Mon-Sat	N Capitol Street	Court Street	Caroline Street	North-South	Both
Total	Always	All days	North 11th Street	Broadway	Willow Street	North	Both
Total	Always	All days	North 14th Street	100' North of Willow	135' North of Willow	South	West
Total	Always	All days	North 14th Street	Broadway	Ann Eliza Street	North	Both
Total	Always	All days	North 18th Street	James Road	50' South of James Road	South	West
Total	10pm-6am	All days	North 19th Street	Market Street	Broadway	South	West
Total	Always	All days	North 20th Street	Broadway	Market Street	North	West
Total	Always	All days	North 20th Street	Broadway	Market Street	North	East
Total	Always	All days	North 2nd Street	Ann Eliza Street	Caroline Street	North	East
Total	Always	All days	North 2nd Street	Sheridan Road	Caroline Street	South	Both
Total	Always	All days	North 2nd Street	P & PU Railroad	Catherine Street	South	Both
Total	Always	All days	North 2nd Street	Sommerset Street	Sheridan Road	North-South	Both
Total	Always	All days	North 2nd Street	Railroad tracks	Court Street	South	Both
Total	Always	All days	North 3rd Street	Court Street	Sommerset Street	North	Both
2 hours	9am-5pm	Mon-Sat	North 4th Street	Margaret Street	Court Street	South-North	Both
2 hours	9am-5pm	Mon-Sat	North 4th Street	Caroline Street	Ann Eliza	South	Both
Total	Always	All days	North 5th Street	Broadway	Willow Street	North-South	Both
2 hours	9am-5pm	Mon-Sat	North 6th Street	Caroline Street	Court Street	South	West
Total	Always	All day	North 6th Street	Court Street	100' North	North	East

Time	Duration	Days	On Street	At or From	To	Direction	Side
2 hours	9am-5pm	Mon-Sat	North 6th Street	Court Street	North to Alley	North	East
Total	Always	All days	North 6th Street	Margaret Street	Caroline Street	North	East
30 minutes	9am-5pm	Mon-Sat	North 7th Street	Ann Eliza Street	Margaret Street	South	East
Total	Always	All days	North 7th Street	North 8th Street	Ann Eliza Street	South	Both
Total	Always	All days	North 7th Street	Ann Eliza Street	Margaret Street	South	West
Total	Always	All days	North 8th Street	North 7th Street	Northern city limits	North-South	Both
2 hours	8am-4pm	School	North Shore Drive	East Shore Drive	West Shore Drive	East-West	Both
Total	Always	All days	Olt Avenue	Court Street	Valle Vista Boulevard	North-South	Both
2 hours	9am-5pm	Mon-Sat	Park Avenue	South 12th Street	13th Street	East	South
Total	Always	All days	Park Avenue	South 14th Street	Court Street	East	South
Total	Always	All days	Park Avenue	250' East of 13th St	South 14th Street	East	South
15 minutes	9am-5pm	Mon-Sat	Park Avenue	South 13th Street	South 14th Street	West	North
2 hours	Always	All days	Park Avenue	South 13th Street	250' East of 13th Street	East	South
Total	Always	All days	Parkway Drive	Court Street	Northern city limit	North-South	Both
Total	Always	All days	Parkway Drive	368' south of Sheridan	427' south of Sheridan	North	East
Total	Always	All days	Pine Street	Maple Park Drive	70' West	West	North
Total	Always	All days	Powers Avenue	Highwood Avenue	Entrance Drive	East-West	Both
Total	Always	All days	Prince Street	South 8th Street	300' West	West	North
Total	Always	All days	Prince Street	South 8th Street	South 9th Street	East-West	Both
Total	7:30am-5pm	School	Prince Street	South Capitol Street	South 4th Street	East	South
Total	Always	All days	Riverway Drive	Koch Street	Hanna Drive	North-South	Both
Total	Always	All days	RWBP Frontage Road	Enterprise Drive	North end	North-South	Both
2 hours	9am-5pm	Mon-Sat	Sabella Street	South 3rd Street	Broadway	East-West	Both
Total	Always	All days	Sabella Street	South 2nd Street	South 3rd street	East	Both
2 hours	9am-5pm	Mon-Sat	Sabella Street	South 3rd Street	South 2nd Street	West	Both
Total	Always	All days	Sheridan Road	600 ' east of Redwood	Lick Creek Bridge	East-West	Both
Total	Always	All days	Sommerset Street	North 3rd Street	North 2nd Street	North	Both
Total	Always	All days	Sommerset Street	Lakeside Avenue	40' North of Lakeside	North	West
Total	Always	All days	South 10th Street	Washington Street	Court Street	North	East
Total	Always	All days	South 10th Street	Park Avenue	105' S	North	East
Total	Always	All days	South 13th Street	Park Avenue	Martha Street	North	East
Total	Always	All days	South 13th Street	Center Street	Court Street	North-South	Both
Total	Always	All days	South 14th Street	Center Street	Court Street	North-South	Both

Time	Duration	Days	On Street	At or From	To	Direction	Side
Total	Always	All days	South 14th Street	Broadway Road	Alley south	South	Both
Total	Always	All days	South 18th Street	West Shore Drive	40' South	South	East
Total	Always	All days	South 18th Street	Tennell Road	40' South	South	East
Total	Always	All days	South 2nd Street	Court Street	Washington Street	South	Both
Total	Always	All days	South 2nd Street	Southern city limit	Washington Street	North-South	Both
Total	Always	All days	South 3rd Street	150' North of Winter	145' to corner of McLean	North	East
Total	Always	All days	South 3rd Street	Broadway	Court Street	North	Both
Total	Always	All days	South 3rd Street	Broadway Road	Franklin Street	South	West
30 minutes	9am-5pm	Mon-Sat	South 4th Street	St Mary Street	North 100'	North-South	Both
Total	Always	All days	South 4th Street	St Mary Street	100' South	South	
2 hours	9am-5pm	Mon-Sat	South 4th Street	Broadway	Washington Street	South	Both
2 hours	9am-5pm	Mon-Sat	South 4th Street	St Mary Street	Court Street	North	Both
2 hours	9am-5pm	Mon-Sat	South 4th Street	Court Street	Broadway	South	Both
Total	Always	All days	South 4th Street	Broadway	St Mary Street	North	Both
Total	Always	All days	South 4th Street	Broadway	400' South	South	Both
Total	Always	All days	South 4th Street	Court Street	52' South of Court Street	South	West
2 hours	9am-5pm	Mon-Sat	South 4th Street	Elizabeth Street	Court Street	South-North	Both
Total	Always	All days	South 6th Street	Broadway	Court Street	North-South	Both
2 hours	9am-5pm	Mon-Sat	South 6th Street	Hillyer Street	St Joseph Place	North	Both
Total	Always	All days	South 6th Street	Broadway	Washington Street	South	Both
15 minutes	9am-5pm	Mon-Sat	South 6th Street	St Joseph Place	Broadway	North	Both
2 hours	9am-5pm	Mon-Sat	South 7th Street	Washington	Court Street	North-South	Both
Total	Always	All days	South 7th Street	60' North of Derby	95' North of Derby	North	West
Total	Always	All days	South 7th Street	Derby Street	50' North of Derby Street	North	East
Total	Always	All days	South Capitol Street	Washington Street	from stop signs 90' South	North	Both
2 hours	9am-5pm	Mon-Sat	South Capitol Street	Broadway	Court Street	North	Both
Total	Always	All days	South Capitol Street	Washington Street	Broadway	North	West
Total	7:30am-5pm	School	South Capitol Street	Prince Street	South 80'	North	Both
2 hours	9am-5pm	Mon-Sat	South Capitol Street	Court Street	Sabella Street	South	Both
2 hours	9am-5pm	Mon-Sat	St Joseph Place	South 6th Street	South 7th Street	East	South
Total	Always	All days	St Joseph Place	South 7th Street	South 6th Street	West	North
2 hours	9am-5pm	Mon-Sat	St Joseph Place	South 7th Street	Haines Avenue	West	Both
2 hours	9am-5pm	Mon-Sat	St Mary Street	South 3rd Street	Broadway	East-West	Both

Time	Duration	Days	On Street	At or From	To	Direction	Side
Total	Always	All days	Stadium Drive	Court Street	Parkway Drive	East-West	Both
Total	Always	All days	State Street	North 5th Street	40'	East-West	Both
Total	Always	All days	Sycamore Street	Royal Street	Lucille Street	South	West
Total	Always	All days	Third Avenue	Washington Street	Broadway	North	Both
Total	Always	All days	Veerman Street	535' North of Willow	620' North of Willow	North	East
Total	Always	All days	Veerman Street	810' North of Willow	895' North of Willow	North	East
Total	Always	All days	Washington Street	South 6th Street	50' East	West	North
Total	Always	All days	Washington Street	South 6th Street	50' West	West	North
Total	Always	All days	Washington Street	South 10th Street	75' East of South 10th Stree	East	South
Total	Always	All days	Washington Street	Bacon Street	South 6th Street	East	South
Total	Always	All days	Washington Street	South 6th Street	88'	East	North
Total	Always	All days	Washington Street	Capitol Street	82' West of Capitol	West	South
Total	Always	All days	Washington Street	165' East of Buena Vis	230' East of Buena Vista	West	North

South 3rd St Designated No Parking Zone



October 3, 2007, City of Pekin
Greg Gurbal - GIS Coordinator

Legend

— Streets

 No Parking

Proposed No Parking: On the east side of S. 3rd St,
Starting 150 ft north of Winter St, and running 145 ft
to McClean St.

0 50 100 200 Feet





REQUEST FOR COUNCIL ACTION

To: Honorable Mayor and Members of the City Council

CC: Sue McMillan, City Clerk

From: Dennis Kief

AGENDA ITEM: Amend Employee Handbook for Cell Phone Usage

AGENDA DATE REQUESTED: October 9, 2007

ACTION REQUESTED: Approval of Amendment to Personnel Policy

BACKGROUND: There are approximately 30 cell phones used by City employees, predominately for City business. By having this many phones and pooling the minutes we get a very favorable rate. Unfortunately there is no current language for reimbursing the City for Personal calls.

FINANCIAL IMPACT: The City will derive some income from users making personal phone calls.

NEIGHBORHOOD CONCERNS: N/A.

IMPACT IF APPROVED: Puts in-place a means of reimbursing the City for Personal Calls

IMPACT IF DENIED: Personnel Policy remains silent on this topic

ALTERNATIVES: Individuals carry separate phones for City and Personal usage.

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Consistent with the Effective Government theme.

REQUIRED SIGNATURES

Department Director

10-3-07

Date

Finance Department

(Certification of Availability of Funds)

10-5-07

Date

Corporation Counsel

(Certification of Review)

Date

City Manager

10/3/07

Date

RESOLUTION NO. _____

***A RESOLUTION AMENDING THE PERSONNEL POLICY
EMPLOYEES HANDBOOK
OF THE CITY OF PEKIN***

WHEREAS, the City of Pekin adopted Resolution No. 123-05/06 a New Personnel Policy for Employees of the City of Pekin on September 12, 2005; and

WHEREAS, after further review by staff it is in the best interest of the City of Pekin to adopt amendments to the City of Pekin Personnel Policy in the following section:

9.3 PERSONAL TELEPHONE CALLS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEKIN, PEKIN, ILLINOIS, as follows:

SECTION I. The City Council of the City of Pekin finds as facts the recitals hereinabove set forth.

SECTION II. That the City of Pekin Amendments to the Personnel Policy presented to the City Council attached hereto as Exhibit A and the same are hereby adopted.

ADOPTED AND APPROVED at a regular meeting of the Council of the City of Pekin, this

_____ day of _____, 2007.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this _____ day of _____, 2007

MAYOR

ATTEST:

CITY CLERK

9.3 TELEPHONE USAGE

City land line telephones are intended to be used for business and job-related purposes, and not for non-emergency personal calls.

Cellular phones will be issued to those employees whose job duties require “24/7 communication” status. The City Manager shall approve the distribution of all cellular phones. While it is understood some non-City business telephone interruptions are going to occur, it is the individual employee’s responsibility to keep calls of this nature to a minimum.

Cellular phone use while operating a vehicle is strongly discouraged. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

Employees in possession of city cellular phones are required to take appropriate precautions to prevent theft and vandalism of all city equipment.

If circumstances develop that an employee is abusing the use of his/her cellular phone, it is up to the City Manager to determine the amount an employee should reimburse the City for the phone call.



REQUEST FOR COUNCIL ACTION

To: Council Members

CC: Dennis Kief, Sue McMillan, Angie Evans, & City Attorney

From: Joe Wuellner

AGENDA ITEM: Pekin-LaMarsh Drainage District Agreement Amendment

AGENDA DATE REQUESTED: October 8, 2007

ACTION REQUESTED: Approval of Amendment

BACKGROUND: In April 1990, the City entered into an agreement (see attached) with the Drainage District to gain access to the river on the west for a boat ramp. The original agreement had certain stipulations which the City agreed to for the access rights. This agreement expands on those stipulations to the extent of providing for the security of the site and for general maintenance of the area. Some of the items are restated are from the original agreement like the signs and guardrail. Since it is expected that these improvements will increase the use of the area, the items that they are requesting are nothing more than the City is providing at the current docking facility on the east side.

FINANCIAL IMPACT: Cost of the security camera is estimated at \$25,000 and the remainder of the items an additional \$2,000 to \$3,000 depending on the availability of materials need to comply (guardrails and lights).

Funding being requested in FY09 budget
NEIGHBORHOOD CONCERNS: Site security and cleanliness.

IMPACT IF APPROVED: Will provide Pekin boaters an access point to the Illinois River that will be accessible at all times with a place to dock while loading and unloading without having to cross the river back and forth.

IMPACT IF DENIED: Boaters will continue to have limited access to the river from the east side during low water levels or use the west ramp and travel back and forth across the river to the current docks. In addition to limited access to the docks, there will also be the problem of the ramps not being long enough to safely launch without damage to trailers as is currently experienced. This traffic pattern was mentioned as a high safety concern from the Illinois River Carriers and US Coast Guard.

ALTERNATIVES: There is no possibility of lengthening the east side docks due to the closeness to the main channel.

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Strong Foundation and Safe Community

REQUIRED SIGNATURES

Department Director

Joseph W. Wellner

10/3/07

Date

Finance Department

Angela Evans

(Certification of Availability of Funds)

10-3-07

Date

Corporation Counsel

(Certification of Review)

Date

City Manager

Date

AGREEMENT

THIS AGREEMENT is entered into this 9th day of April, 1990, by and between PEKIN & LAMARSH DRAINAGE AND LEVEE DISTRICT of Peoria County, Illinois, a duly organized and existing drainage and levee district under the laws of the State of Illinois, hereinafter referred to as PEKIN & LAMARSH, and CITY OF PEKIN, a municipal corporation under the laws of the State of Illinois, hereinafter referred to as PEKIN.

WHEREAS, PEKIN & LAMARSH maintains and operates a drainage and levee district in Hollis Township, Peoria County, Illinois, and

WHEREAS, PEKIN claims the right of occupancy under authority granted by the Department of Transportation, State of Illinois, of certain lands in PEKIN & LAMARSH and desires to build a boat launch facility upon the property it claims the right of occupancy to, and

WHEREAS, the proposed site for the boat launch facility is partially upon the levee of PEKIN & LAMARSH and access to said facility is across the levee of PEKIN & LAMARSH, and

WHEREAS, the parties hereto desire to set forth the terms and conditions of constructing the facility on a portion of the levee of PEKIN & LAMARSH, access across the levee of PEKIN & LAMARSH, and protection to the levee and surrounding lands of PEKIN & LAMARSH.

NOW, THEREFORE, in consideration of the terms, covenants and conditions herein and the respective agreements of the parties hereto, the parties do hereby agree as follows:

1. PEKIN may construct, operate and maintain a boat launch facility and establish an access roadway to the boat launch facility in the area as detailed in the plans and specifications prepared by Randolph & Associates of the City of Pekin, and attached hereto upon the following terms and conditions:

- a) This is an agreement between PEKIN & LAMARSH and PEKIN and may not be assigned, sold or transferred by PEKIN. Any such sale, assignment or transfer of this agreement by PEKIN shall result in an automatic termination of this agreement.

- b) PEKIN shall be responsible to maintain all of the area designated as the boat launch site on the attached site plan, such maintenance shall include, but not be limited to, mowing of grass, cutting of weeds, maintaining roadways, maintaining parking lots and all of the facilities of the boat launch facility, policing the area, keeping the area clean and maintaining all of the facilities placed thereon in good and operating condition.
- c) A guard rail will be installed by PEKIN along the public roadway which now extends along the westerly base of the levee of PEKIN & LAMARSH from a point approximately 300 feet southerly of the entrance to the boat launch facility and then continuing on northerly from the northerly side of the entrance to the boat launch facility for approximately 200 feet. Further, PEKIN shall install a guard rail along the access roadway over the levee on the northerly side of the access road to the river and shall install a guard rail along the access roadway over the levee on the southerly side of the access road to the parking lot and then along the westerly boundary of the parking lot in a southerly direction, all as is shown on the site plan attached hereto. Further, the guard rail shall be hinged at the crown of the levee so as to provide a gate approximately 16 feet in width for access to the crown of the levee.
- d) PEKIN will install and maintain ten (10) "No Trespassing Signs" in the area of the boat launch facility as directed by PEKIN & LAMARSH. PEKIN & LAMARSH will supply the wording for the "No Trespassing Signs," which wording shall inform parties that land beyond the sign is property of PEKIN & LAMARSH and trespassing thereon is prohibited by the Illinois Drainage Code.
- e) PEKIN & LAMARSH and the U. S. Corp of Engineers shall have unrestricted access to the area of the boat launch facility to perform their inspections and duties.
- f) In the event of emergency regarding the property involved here, such emergency including, but not limited to high water, PEKIN shall not restrict the right and duty

of PEKIN & LAMARSH to the absolute and total control over the area of the boat launch facility for the purpose of doing such things as PEKIN & LAMARSH, in its sole judgment, believes necessary to protect the integrity of the levee and the lands in the District. PEKIN & LAMARSH shall be the sole judge of whether an emergency exists and the scope and nature of any work to be performed. PEKIN does hereby release, indemnify and hold harmless PEKIN & LAMARSH from any and all liability for any damage, loss of income or loss of use that may occur by reason of any actions of PEKIN & LAMARSH during such emergency.

- h) PEKIN will not do any excavating on the levee or construct an additional boat launch ramp without the permission of PEKIN & LAMARSH and the U. S. Army Corp of Engineers.
- i) PEKIN will indemnify and hold harmless PEKIN & LAMARSH from any and all damages, claims and liability that may arise out of the construction, maintenance and operation of the boat launch facility.
- j) This agreement may be terminated by PEKIN upon giving PEKIN & LAMARSH 6 months' notice thereof. If PEKIN terminates this agreement, then all items placed upon, about, around or in the boat launch facility shall remain unless PEKIN & LAMARSH directs PEKIN to remove the same. All items that PEKIN & LAMARSH elects to have remain shall become the sole property of PEKIN & LAMARSH.

2. The parties hereto recognize that Pekin & LaMarsh claims ownership of the land included in the boat launch facility and that Pekin claims a right of occupancy pursuant under authority granted by the Department of Transportation, State of Illinois. This agreement does not confer any further right nor does it take away any right to the property in question that now exists in each of the parties.

This agreement shall remain in full force and effect and can only be terminated by PEKIN as provided herein. Further, this agreement may not be terminated by PEKIN & LAMARSH except for breach of the terms and conditions of this agreement by PEKIN. PEKIN & LAMARSH shall notify PEKIN of the nature of any breach of this agreement and then PEKIN shall have 30 days to correct such breach. If the breach is not corrected within said 30 days, then

PEKIN & LAMARSH may invoke its remedy as provided by law for the termination of this agreement.

IN WITNESS WHEREOF the Pekin & LaMarsh Drainage and Levee District and the City of Pekin have executed this Agreement the day and year above written.

PEKIN & LAMARSH DRAINAGE AND LEVEE DISTRICT

by Larry K. Broad
Commissioner

by Kim Weisthuen
Commissioner

by Chille Dappert
Commissioner

CITY OF PEKIN

by Larry W. Homerin
Mayor

Attest:

James J. Katz
City Clerk

This instrument prepared by:
MOEHLE, SWEARINGEN & ASSOCIATES, LTD.
410 Broadway
Pekin, IL 61555-0875
Telephone: 309/347-4141

... Prison

Continued from page 1

Michel, Gagner and Pekin Mayor Larry Homerin praised each other's efforts and those of Sen. Richard Luft, D-Pekin, and many local, business, labor, Pekin Area Chamber of Commerce and marketing and economic development officials.

Gagner called it a "remarkable team effort."

None in attendance appeared surprised by the announcement or the speed by which bureau officials ruled on the project.

It was just two weeks ago that Federal Bureau of Prison staff sent the final environmental impact statement for the project to Director J. Michel Quinlan.

Despite the heavy amount of public comment on the proposal — touted by bureau officials as the most, pro and con, they've ever received on a new prison proposal — Quinlan issued his decision within what Mayor Larry Homerin said was the bureau's normal 15-day decision period.

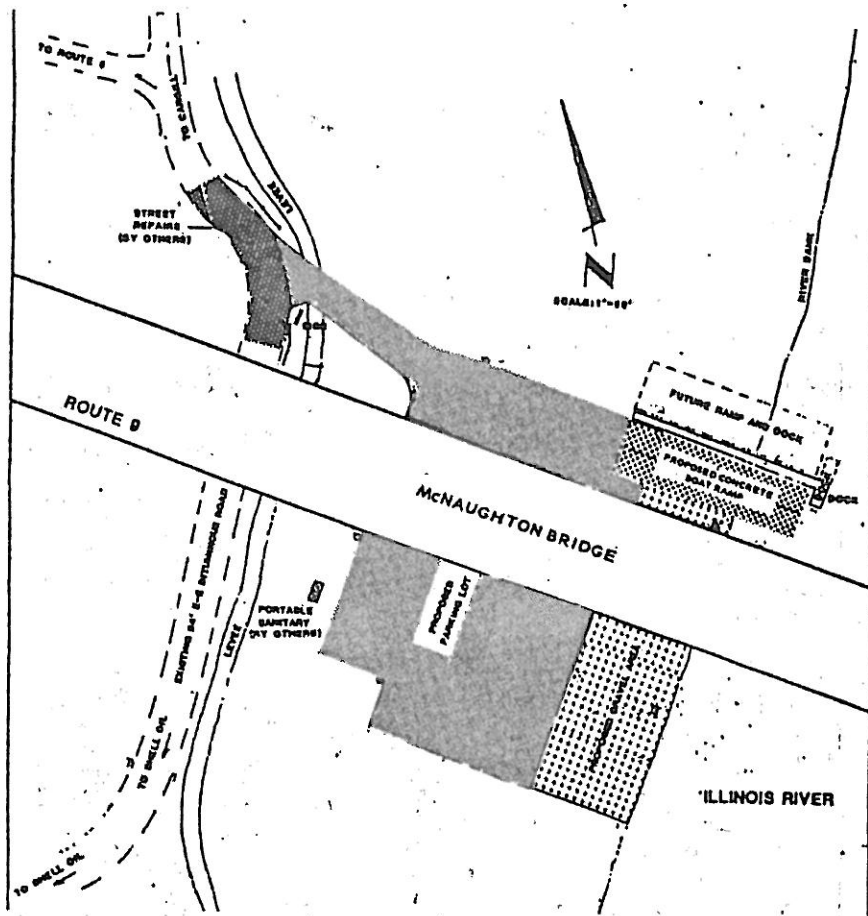
"I think that (the 14-day wait) was a formality," Michel said. "I think all along we have been holding out all possible hopes there would be a green light here, but we had to go through the normal procedure of the environmental impact study being thorough, digested, time allowed for comment and all that. You couldn't cut any corners there."

Homerin noted he and a delegation of local officials, including Susan Paddock, the city's director of marketing and economic development, traveled to Washington, D.C., where they met with Bureau of Prisons Director J. Michael Quinlan "some months ago, to review what we were anticipating, what we were looking for."

"A long 18 months," Homerin said of the last year and a half. "It's hard to believe, but it's been just that. We started on this project in June 1988."

Michel said money for the project has been budgeted. Peoria-based Phillips Swager Associates has been selected to serve as project architect.

"I think now it's a question of



This map shows the location of the proposed access road.

City council gives nod to access road

PEKIN — The City Council unanimously approved an agreement Monday night that allows an access road to be built to the proposed \$80,000 boat launch the city plans to build on the west side of the Illinois River.

The agreement reached with LaMarsh Drainage and Levee District allows the city to build the road across the district's levee to the boat ramps.

The city currently owns boat launches at the foot of Court Street on the Illinois River's east bank, but does not have access to the river on its west shore.

Early last year, the city won a state marine motor fuel tax grant to build a boat launch under and north of the John McNaughton Bridge.

City Commissioner of Public Property Henry VanderHeyden told council the project is ready for bids and construction will begin when the Illinois River is low enough to allow workers to pour the concrete.

In other action, the council unanimously approved:

- A street lighting agreement with the Central Illinois Light Company. If approved, Pekin will see its fees rise by about \$30,000. Half of that will be returned as part of its franchise agreement.

For the past 10 years, the city has received a break from CILCO on the cost of street lighting as part of a franchise agreement with the company. That franchise agreement is due to expire May 1.

- Awarded to Davin Excavating Co. for \$34,689 the bid for the curb and gutter removal and replacement project on South Capitol Street, from Broadway to Washington streets.

4-10-90

Soviet Jews celebrate Passover



City of Pekin

Pekin, Illinois

COMMISSION FORM GOVERNMENT



Office of City Clerk

May 3, 1990

TRANSMITTAL LETTER

From: James F. Kautz, City Clerk
400 Margaret Street
Pekin, IL 61554 (309) 477-2307

To: Moehle, Swearingen & Associates, Ltd.
410 Broadway
Pekin, IL 61554

Attn: Ed Moehle

Document(s) enclosed:

Agreement between City of Pekin and Pekin & LaMarsh
Drainage and Levee District *re proposed boat access area on*

Dear Mr. Moehle: *west side of the river.*

Please date and have agreement executed by Pekin &
LaMarsh commissioners. Return one copy to my office.

Thank you.

Very truly yours,

James F. Kautz,
City Clerk

Approved April 9, 1990.

**AMENDMENT TO AGREEMENT
BETWEEN CITY OF PEKIN, ILLINOIS AND
PEKIN & LARMARSH DRAINAGE AND LEVEE DISTRICT
DATED APRIL 9, 1990**

This Agreement is entered into this ____ day of _____, 2007, by and between PEKIN & LAMARSH DRAINAGE AND LEVEE DISTRICT of Peoria, County, Illinois, a duly organized and existing drainage and levee district under the laws of the State of Illinois, hereinafter referred to as "PEKIN & LAMARSH", and CITY OF PEKIN, Tazewell and Peoria Counties, Illinois, a Municipal Corporation under the laws of the State of Illinois, hereinafter referred to as "PEKIN".

WHEREAS, PEKIN & LAMARSH and PEKIN entered into an Agreement dated April 9, 1990, regarding a boat launch facility;

WHEREAS, PEKIN desires to upgrade, improve and alter said facility;

WHEREAS, the actions proposed by PEKIN require the approval of PEKIN & LAMARSH pursuant to the April 9, 1990, Agreement.

NOW, THEREFORE, in consideration of the terms, covenants and conditions herein and the respective agreements of the parties hereto, the parties do hereby agree to amend the Agreement dated April 9, 1990, to add the following terms, covenants, conditions and agreements as follows:

1. PEKIN may construct, operate and maintain a new and altered boat launch facility and access roadway to the boat launch facility as detailed in the plans and specifications prepared by STS Consultants and attached hereto as EXHIBIT "A".

2. PEKIN shall by July 31, 2008, install and properly maintain a security camera to record and monitor the north end of the boat launch facility; said camera shall be directed in a generally northward direction to monitor persons and traffic leaving the boat launch area into the levee area northward of the boat launch facility. Tapes from said camera shall be kept and maintained by PEKIN for a minimum of 3 months and specific tapes shall be kept and maintained for a longer period if requested by PEKIN & LAMARSH. PEKIN agrees to voluntarily, without need for summons, warrant or subpoena, provide access to and copies of said tapes and to provide the originals for court proceedings, if necessary for any civil trespass or criminal investigation and prosecution or lawsuit brought by or on behalf of PEKIN & LARMARSH or any landowner in said District.

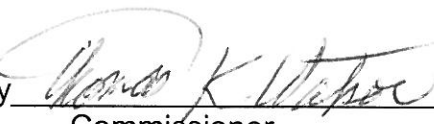
3. PEKIN shall install and maintain a minimum of 2 garbage cans or 1 dumpster in the area covered by the boat launch facility and parking lot. Said garbage receptacles shall be emptied at frequent intervals.

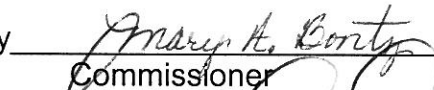
4. PEKIN shall reinstall the 10 "No Trespassing" signs as required by the April 9, 1990, Agreement and shall monitor, maintain and replace said signs as needed.

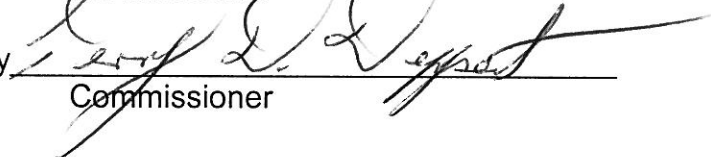
5. PEKIN will install additional guardrail on the levee as shown in attached EXHIBIT B. PEKIN will donate said guardrail to the extent that "used" guardrail is available to PEKIN. Said installation shall be completed within 90 days after said guardrail is provided by PEKIN & LAMARSH, or within 90 days of this Agreement, if said guardrail is donated by PEKIN.

6. PEKIN shall install lighting as shown on EXHIBIT C within 180 days of this Agreement

**PEKIN & LAMARSH DRAINAGE AND
LEVEE DISTRICT,**

By 
Commissioner

By 
Commissioner

By 
Commissioner

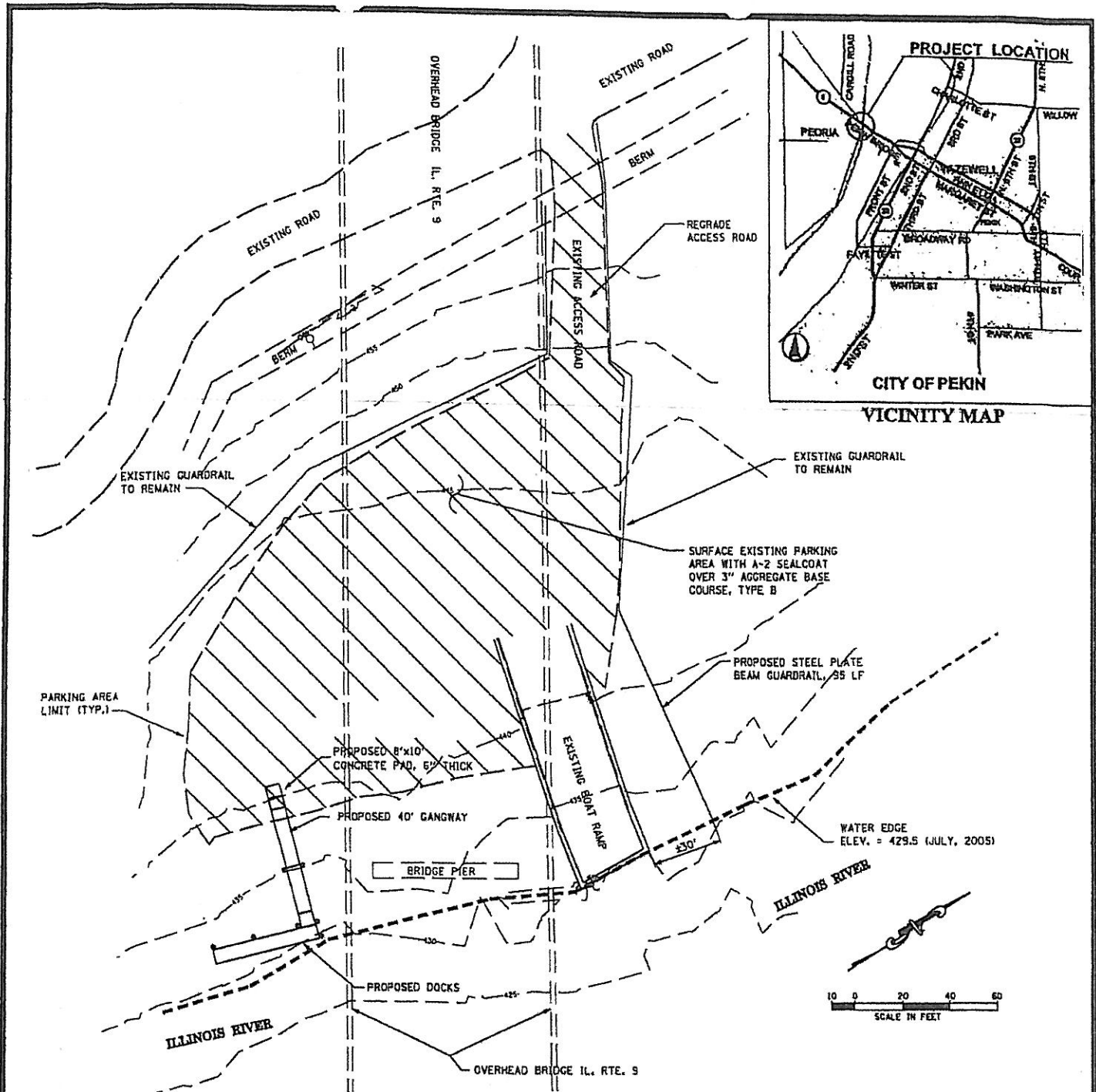
CITY OF PEKIN,

By _____
Mayor

ATTEST:

City Clerk

This Instrument Prepared By:
MOEHLE, SWEARINGEN & UMHOLTZ, LTD.
410 BROADWAY
PEKIN, IL 61555-0875
TELEPHONE: 309/347-4141
FAX NO: 309/346-3655



LIST OF ADJACENT PROPERTY OWNERS

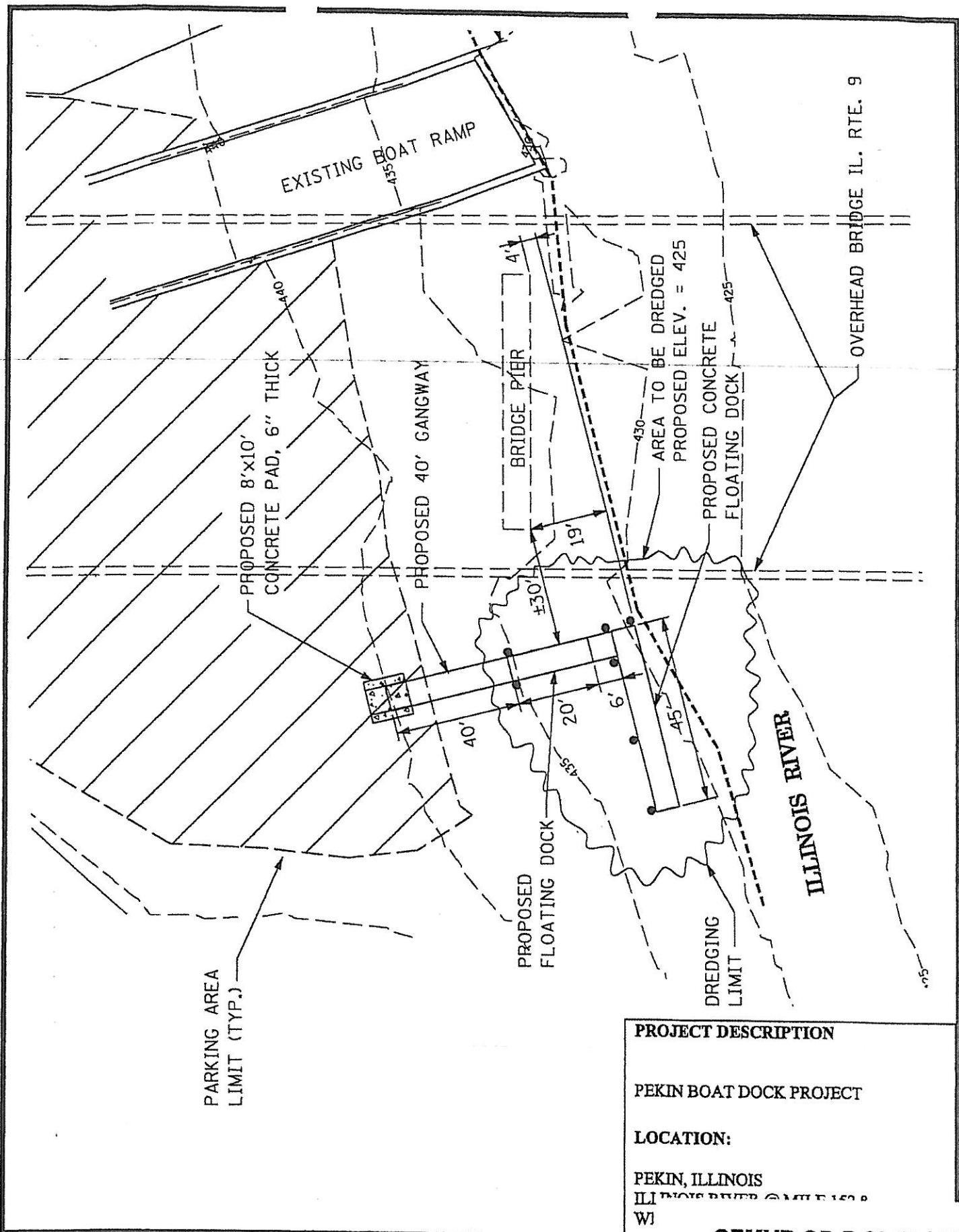
NO.	NAME	ADDRESS
1.	Illinois Department of Transportation	District 4 401 Main Street, Peoria, Illinois
2.	Pekin and LaMarsh Drainage District	P.O. Box 875 Pekin, Illinois 61555
3.		
4.		

EXHIBIT A

PROJECT DESCRIPTION

PEKIN BOAT DOCK PROJECT

LOCATION:
PEKIN, ILLINOIS
ILLINOIS RIVER @ MILE 152.8
WEST BANK



PROJECT DESCRIPTION

PEKIN BOAT DOCK PROJECT

LOCATION:

PEKIN, ILLINOIS
ILLINOIS RIVER @ MILE 152.8
W

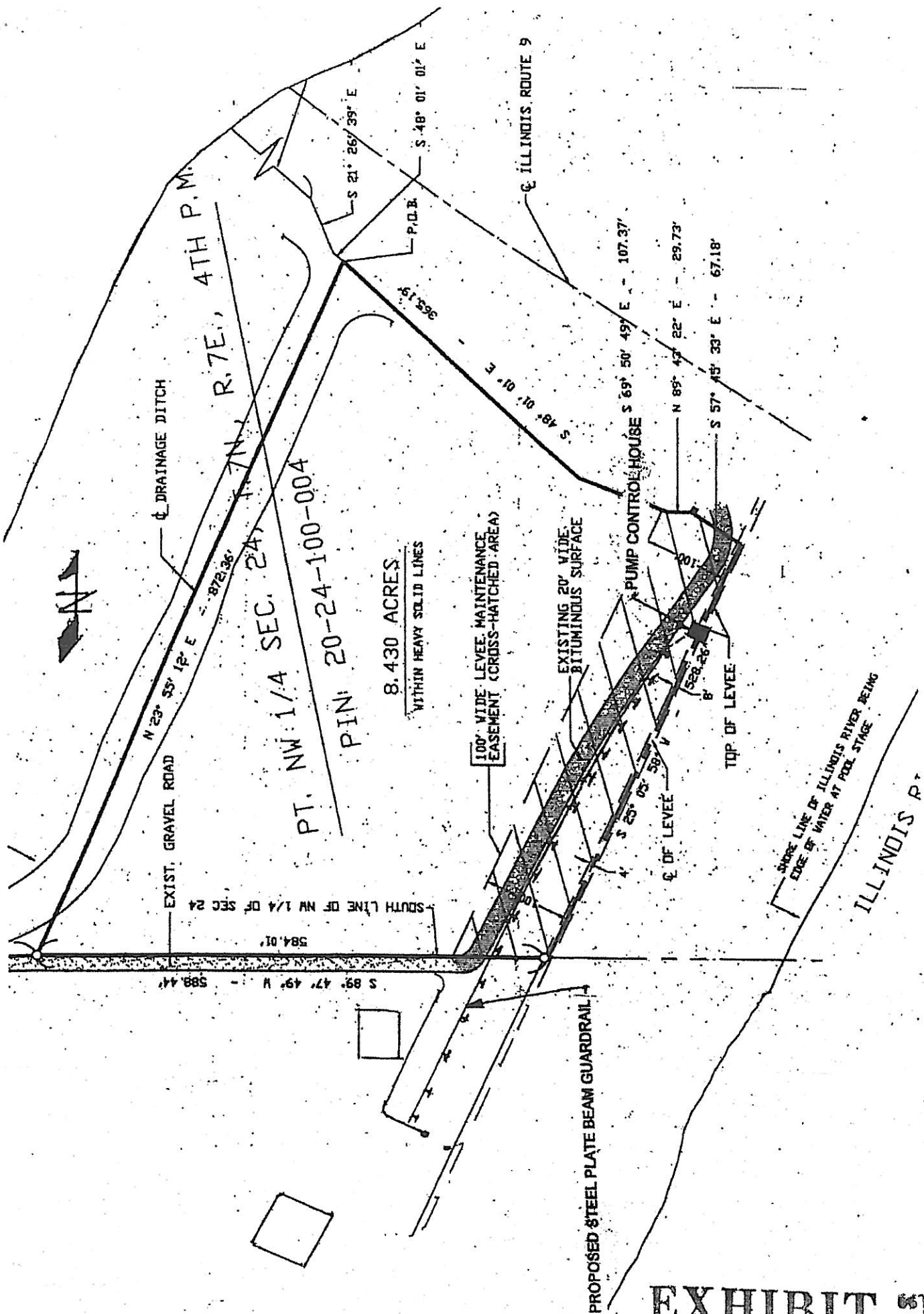
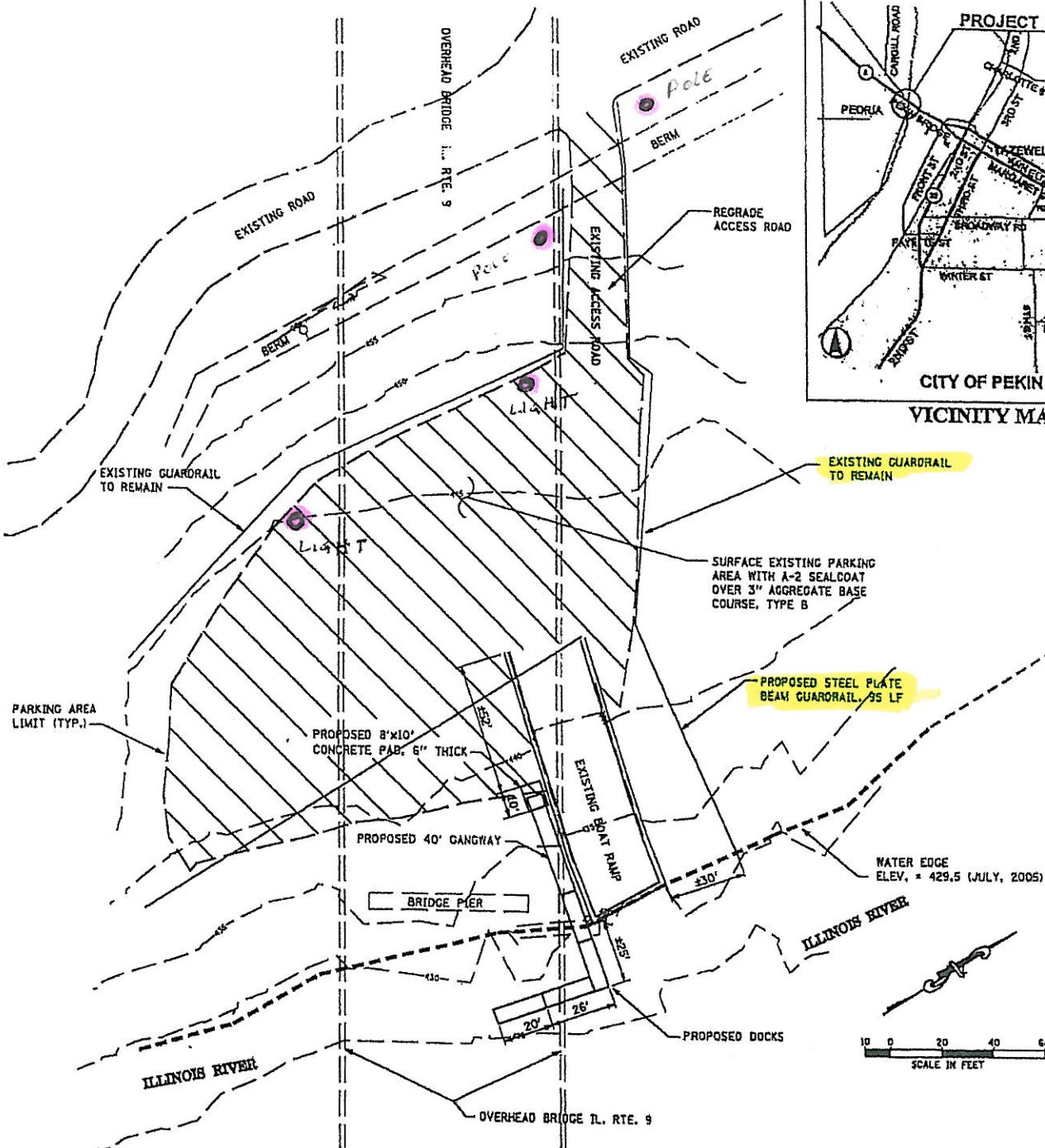


EXHIBIT "B"



NO.	NAME	ADDRESS
1.	Illinois Department of Transportation	District 4 401 Main Street, Peoria, Illinois
2.	Pekin and LaMarsh Drainage District	P.O. Box 875 Pekin, Illinois 61555
3.		
4.		

PEKIN BOAT DOCK PROJECT

LOCATION:
PEKIN, ILLINOIS
ILLINOIS RIVER @ MILE 152.8
WEST BANK

EXHIBIT 7

1-5-3: MEETINGS:

- A. Regular Meetings: Regular meetings of the City Council of the City of Pekin shall be held in the Council Chambers in the City Hall on the second and fourth Monday of each month at 5:30 o'clock P.M., except that when Monday shall be a legal holiday, the City Council shall meet on the Tuesday next following at the same hour.
- B. Adjourned or Recessed Meetings: Adjourned or recessed meetings of the City Council of the City of Pekin may be held for the purpose of completing any unfinished business of a regular meeting at such time or times as may be determined by majority vote of the City Council.
- C. Deferred Meetings: Regular meetings of the City Council may be deferred to the Tuesday or Wednesday next following the regular Monday night meeting by majority vote of the City Council, which vote shall be taken not later than the regular meeting preceding the meeting to be deferred to the following Tuesday or Wednesday night of the following week, and such meeting may be deferred at any time in said manner if it is deemed by the City Council to be in the best interest of the City of Pekin.

This page can be found on the web at the following url:
<http://www.opm.gov/fedhol/2007.asp>

U.S. Office of Personnel Management

Ensuring the Federal Government has an effective civilian workforce

Federal Holidays

2007 Federal Holidays

Federal law (5 U.S.C. 6103) establishes the following public holidays for Federal employees. Please note that most Federal employees work on a Monday through Friday schedule. For these employees, when a holiday falls on a nonworkday -- Saturday or Sunday -- the holiday usually is observed on Monday (if the holiday falls on Sunday) or Friday (if the holiday falls on Saturday).

Monday, January 1	New Year's Day
Monday, January 15	Birthday of Martin Luther King, Jr.
Monday, February 19*	Washington's Birthday
Monday, May 28	Memorial Day
Wednesday, July 4	Independence Day
Monday, September 3	Labor Day
Monday, October 8	Columbus Day
Monday, November 12**	Veterans Day
Thursday, November 22	Thanksgiving Day
Tuesday, December 25	Christmas Day

** This holiday is designated as "Washington's Birthday" in section 6103(a) of title 5 of the United States Code, which is the law that specifies holidays for Federal employees. Though other institutions such as state and local governments and private businesses may use other names, it is our policy to always refer to holidays by the names designated in the law.*

*** November 11, 2007, (the legal public holiday for Veterans Day) falls on a Sunday. For most Federal employees, Monday, November 12, will be treated as a holiday for pay and leave purposes (See 5 U.S.C. 6103(b).)*

Federal Holidays Home Page

U.S. Office of Personnel Management 1900 E Street NW, Washington, DC 20415 | (202) 606-1800 
| TTY (202) 606-2532

[www.cms](http://www.cms.il.gov)

Rod R. Blagojevich

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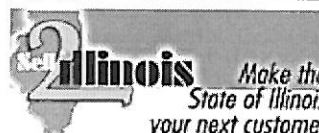
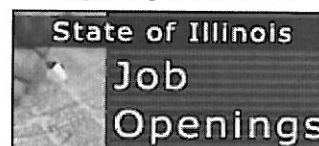
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September 20, 2007

Agency Features**State Features****State of Illinois Holiday Calendar**

Holiday	2007	2008
New Year's Day	Monday, January 1	Tuesday, January 1
Martin Luther King Day	Monday, January 15	Monday, January 21
Lincoln's Birthday	Monday, February 12	Tuesday, February 12
Washington's Birthday	Monday, February 19	Monday, February 18
Memorial Day	Monday, May 28	Monday, May 26
Independence Day	Wednesday, July 4	Friday, July 4
Labor Day	Monday, September 3	Monday, September 1
Columbus Day	Monday, October 8	Monday, October 13
General Election Day		Tuesday, November 4
Veterans' Day	Monday, November 12	Tuesday, November 11
Thanksgiving Day	Thursday and Friday, November 22 and 23	Thursday and Friday, November 27 and 28
Christmas Day	Tuesday, December 25	Thursday, December 25

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RESOLUTION NO. 237

**RESOLUTION RESCINDING RESOLUTION NO. 96 AND
ESTABLISHING PROCEDURE FOR APPOINTING MAYOR PRO TEM**

WHEREAS, Section 1-5-3F of the Pekin Municipal Code provides that, should the Mayor be absent for a regular meeting, then a Mayor Pro Tem shall be selected as provided by statute to preside at the meeting; and

WHEREAS, the state statute calls for a selection by election of the council members; and

WHEREAS, the Council believes that it would be beneficial to the City and more equitable to appoint a Mayor Pro Tem on a rotational basis; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Pekin, Tazewell County, Illinois, that in the absence of the Mayor, the Mayor Pro Tem shall preside at regular meetings of the Council and at special meetings of the Council;

BE IT FURTHER RESOLVED that the Mayor Pro Tem be selected from among the Commissioners on a rotational basis for a full month as follows:

1. The first Mayor Pro Tem selected, for the month beginning June 1, 1997 shall be the Commissioner whose last name is first alphabetically;
2. For each subsequent month, the Commissioner whose last name is next alphabetically after the preceding Mayor Pro Tem shall act as Mayor Pro Tem.
3. If the Mayor Pro Tem, as selected herein, is absent from the City, the Commissioner whose last name is next alphabetically after the absent Mayor Pro Tem shall act as Mayor Pro Tem until he or she is present in the City;
4. After completion of the rotation, the process shall be repeated as necessary for appointment of the Mayor Pro Tem.

BE IT FURTHER RESOLVED, that Resolution No. 96 establishing procedure for appointing Mayor Pro Tem, adopted November 13, 1995, is hereby rescinded and repealed.

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

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Pekin,

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People ex rel. Reed
35 (5th Dist. 1976).
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would be filed with
330). 10 ILCS 5/23-
under the 1980 com-
tion of a mayor may
counties. (10 ILCS

The city council may punish its members for disorderly conduct. With the concurrence of two-thirds of the aldermen elected, it may expel an alderman, but not a second time for the same offense. (65 ILCS 5/3.1-40-15). The council also may compel the attendance of absentees at a properly called meeting, under whatever penalties, including a fine for a failure to attend, that have previously been established by ordinance. (65 ILCS 5/3.1-40-20). The same powers apply to village boards.

Mayor or President Pro Tem and Temporary Chairman

The Illinois Municipal Code provides that if, through temporary absence or disability, the mayor or president is unable to perform his or her duties, no vacancy is created in the office. (65 ILCS 5/3.1-35-35). In such a case, the council or board shall elect one of its members to act as mayor or president pro tem. The absence referred to in the statute for the appointment of a mayor or president pro tem does not apply to a mere absence from the council or board chamber while the mayor or president is in some other part of the city or village, but rather an absence from the city or village for such a length of time as would reasonably call for the appointment of a fully-empowered replacement or to an absence due to a provable physical or mental inability to perform the general functions and duties of the office. The mayor or president pro tem, during the mayor's or president's absence or disability, shall perform the duties and possess all the rights and powers of the mayor or president but that person only votes in the position as alderman or trustee. (65 ILCS 5/3.1-35-35). It is likely that a mayor or president pro-tem can exercise the power of veto. If, in the absence of the mayor or president, items are to be considered by the council or board which require the signature of the executive officer, a mayor or president pro tem should be elected in order that these matters may be properly acted upon. (*But see* section on "Mayor's Signature"). In **People v. Blair**, 82 Ill. App. 570 (2d Dist. 1898), *aff'd*, 181 Ill. 460 (1899), municipal officials are warned against the indiscriminate appointment of a mayor pro tem. That case held that the mayor pro tem could remove officers whom the regular mayor had appointed, fill all vacancies in appointive offices, veto ordinances which the mayor intended to sign, and revolutionize the policies of the mayor.

However, a mayor pro tem cannot be appointed if the mayor is actually in the city and capable of performing duties although the mayor does not appear at the council meeting. In the event the mayor fails to attend a meeting, the council is given specific authority to select a temporary chairman who shall have only the power of a presiding officer and a right to vote in the capacity as alderman on any ordinance, resolution, or motion. A temporary chairman can also be elected from the council to serve in the absence of an acting mayor or a previously selected mayor pro tem. (65 ILCS 5/3.1-40-30). If the mayor's absence is of such a short duration as to require the appointment of only a temporary chairman, the mayor may accomplish certain acts at the meeting in spite of his or her absence by informing the council by written communication of appointments that have been made or other items upon which the mayor desires the council to act. **Blair v. People ex rel. Barber**, 181 Ill. 460, 54 N.E. 1024 (1899). The same rules apply to a village president.

MAYOR PROTEM SCHEDULE

2007 – 2009

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
				ABEL	BLANCHARD	DUNN	JONES	KORTKAMP	STRAND	ABEL	BLANCHARD
DUNN	JONES	KORTKAMP	STRAND	ABEL	BLANCHARD	DUNN	JONES	KORTKAMP	STRAND	ABEL	BLANCHARD
DUNN	JONES	KORTKAMP	STRAND								