



REGULAR COUNCIL MEETING MONDAY,
August 22, 2011 5:30 P.M.

	1	2
1.0 CALL TO ORDER		
2.0 PLEDGE OF ALLEGIANCE <i>Mayor Laurie L. Barra</i>		
3.0 ROLL CALL <i>Clerk to Call the Roll</i>		
4.0 APPROVAL OF AGENDA ACTION: Motion to approve the meeting agenda. VOTE REQUIRED		
5.0 APPROVAL OF MINUTES ACTION: Motion to approve minutes of the Regular Council Meeting of August 8, 2011. VOTE REQUIRED		
6.0 PUBLIC INPUT ON AGENDA ITEMS <i>Speakers to state name, address, and spell last name. Speakers will be given 5 minutes to address the Council. Questions unrelated to agenda items are accepted during "Public Questions" near the end of the meeting.</i>		
7.0 CONSENT AGENDA		
7.1 Receive and File Monthly Reports and Minutes: Building and Inspections Departments June and July Reports, Traffic Safety Committee Minutes August 5, 2011, and Fire Department July Report.		5
7.2 Receive and File Bids for Annual Street Seal Coat Project opened August 11, 2011 at 2:00 p.m.		3
7.3 Receive and File Bids for 320 Court Street Parking Lot Rehabilitation Project opened August 9, 2011 at 10:00 a.m.		3
7.4 Proclamation Joining the Nation Moment of Remembrance 10 th Anniversary of September 11th		4
7.5 Resolution No. 11-11/12 – Appointment of Dennis R. Kief to the TIF Joint Review Board as at-large representative		5
ACTION: Motion to approve all items listed on the Consent Agenda by Omnibus Vote. VOTE REQUIRED TO APPROVE CONSENT AGENDA		

8.0 COMMUNICATIONS, PETITIONS, REPORTS			
8.1 Budget Report		AE	5
8.2 Revenues Report		JSW	5
NO VOTE REQUIRED			
9.0 NEW BUSINESS			
9.1 Bid for Annual Street Seal Coat Project DESCRIPTION: Annual Street Program to seal coat 5.64 miles of streets west of 5 th Street from Sheridan Road to Willow Street and 5 th Street from Koch Street to Petri Lane. ACTION: Motion to approve the bid in the amount of \$258,386.00 and award the contract to R.A. Cullinan and Son Inc. VOTE REQUIRED		MG	3
9.2 Resolution No. 11 - 11/12 – Illinois Department of Transportation (IDOT) Resolution for Streets and Highways DESCRIPTION: Appropriation of Motor Fuel Tax Funds for Annual Street Seal Coat Project of designated sections of town. MFT funding and CDBG dollars will be utilized. ACTION: Motion to adopt the resolution in the amount of \$175,000.00. VOTE REQUIRED		MG	3
9.3 320 Court Street Parking Lot Rehabilitation Project DESCRIPTION: City owned parking lot work includes removal of existing pavement, existing unacceptable fill and parts of existing foundations that were left in place after demolition of structures and filling the site with select fill, grading, placing aggregate base and a 3” HMA parking lot surface. Tax Increment Finance (TIF) funds utilized. ACTION: Motion to approve the bid in the amount of \$346,355.00 and award the contract to P.A. Atherton Construction Inc. VOTE REQUIRED		MG	3
9.4 Accept \$67,000 Recycling Grant from Tazewell County Health Dept DESCRIPTION: Agreement for the County to provide a grant in the amount of \$67,000.00. All funds to be used in support and connection with the County Recycling Program. ACTION: Motion to approve the agreement and receive the grant. VOTE REQUIRED		JW	4

9.5	Ordinance No. 1462-A310 - 11/12 – Amending the Traffic Code Regarding Speed on Hanna Drive DESCRIPTION: Recommendation of the Traffic Safety Committee to set the speed limit to 40 mph on Hanna Drive from the railroad tracks to South 5 th Street. The current speed is the statutory urban speed of 30 mph. ACTION: Motion to adopt the Ordinance. VOTE REQUIRED	GN	2
9.6	Service Agreement with Good Energy. L.P. DESCRIPTION: Approve agreement with Good Energy, L.P. to perform consulting services and procurement of power for Pekin residents and small commercial businesses. ACTION: Motion to approve the agreement. VOTE REQUIRED	JW	5
9.7	Franchise Agreement Amendment with Bitwise Communications, Inc. DESCRIPTION: Modifications to Bitwise Communications, Inc. agreement to include iTV-3 as an added branch to work with OmniLEC. ACTION: Motion to approve the agreement amendment. VOTE REQUIRED	JW	5
9.8	Set Meeting for Wastewater Treatment Plant bids Phase II DESCRIPTION: Set a date and time to approve the bids for WWTP Phase II prior to September 1st. Timing for Special meeting is in order to send to the IEPA a Notice of Intent to award the project. ACTION: Motion to set a Special Council Meeting for August 30, 2011 @ 5:30 p.m. VOTE REQUIRED	M	5
10.0 ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL			
10.1 Council Members			
10.2 Staff			
10.3 Five Minute Public Questions			
10.4 Press Time			
11.0 EXECUTIVE SESSION			
12.0 ADJOURN			
NO VOTE REQUIRED			

Column 1 Key:

JW City Manager Joseph Wuellner
M Mayor Laurie Barra
GN Police Chief Greg Nelson

AE Finance Director Angie Evans
JSW Treasurer James Wolf
MG City Engineer Michael Guerra

Column 2 Key:

- 1 A Prosperous Community.** To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
- 2 A Safe Community.** To protect community life and property by providing effective, principled police and fire services.
- 3 A Strong Foundation.** To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
- 4 A High Quality of Life.** To support or provide services that improve the quality of life for Pekin's residents.
- 5 An Effective Government.** To deliver effectively the services that Pekin's residents want, need, and are willing to support.

**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, AUGUST 8, 2011 AT 5:30 O'CLOCK P.M.

LAURIE L. BARRA, MAYOR PRESIDING

**PRESENT: COUNCIL MEMBERS, ABEL, BLANCHARD, NEUMANN, SCHMIDGALL.
HENDRICKS, AND MASSAGLIA**

ABSENT: NONE

The **Pledge of Allegiance** was led by Mayor Barra.

Roll was called and all Council Members were physically present. A quorum was present.

AGENDA

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

MINUTES

Motion by Council Member Blanchard, seconded by Council Member Abel, that the **minutes of the Regular City Council Meeting of Monday, July 25, 2011 be approved as written**. On roll call vote, all present voted Aye.

PUBLIC INPUT

George Ohnemus 1417 Willow Street, addressed Council with several concerns and comments on the following:

- Restriction of limiting public comment to 5 minutes and the inability of tracking the next speaker if the total 5 minutes of the sand in the hour glass timer was not used up
- The down time of city information on government channel 22
- Opinion that Home Rule government was not working
- Wasted money in City Manager search when in-house employee was selected
- Talking to the City was like an ostrich with his head in the sand
- Pekin had a good-ole-boy attitude

Steven Moore 2010 Westgate Drive, encouraged the Council to repeal the vehicle search and seizure ordinance but not to throw away provisions that were working. He felt the new members of the present administration had fresh ideas and new input and the mix of remaining members had knowledge of what was going on.

Richard Reeves 1416 S. 12th Street stated he would like to see the ordinance repealed because the \$500 fine was a possible catastrophic experience to working people. He felt the law was beyond fixing and that its only purpose was a police department revenue generator.

Bernie Gobbel 208 Dogwood Lane spoke in objection of repealing the Seizure and Impoundment Ordinance. He felt the ordinance sent a message to violators of drug and alcohol use. Owners of vehicles should be held accountable. He suggested if necessary table the vote but for Council not to scrap the provisions completely. He asked Council to listen to the responders that took the time to complete a police community survey asking for aggressive means of DUI enforcement. People against the ordinance were those that had been fined for violating it.

Carole Martin 1401 Peoria felt the towing ordinance was wrong and spoke in favor of repeal.

Bobby Mans 15827 Red Shale Hill advised the Council of his experience in front of the Hearing Officer for seizure and repossession of his tractor. He stated there was nothing wrong with impoundment but impounding farm equipment was wrong. Several times he referred to a document he had in his possession of

the language in State law for Special Mobile Equipment.

CONSENT AGENDA

Motion by Council Member Massaglia, seconded by Council Member Blanchard that the **CONSENT AGENDA be approved as presented.** Mayor Barra presented the following for consideration of the Consent Agenda items by Omnibus Vote.

7.1 Receive and File Monthly Reports and Minutes: Police June Report and Liquor Commission Minutes June 23, 2011.	5
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On roll call vote, all present voted Aye.

NEW BUSINESS

ORDINANCE NO. 2643-11/12

REPEALING THE SEIZURE AND IMPOUNDING OF VEHICLES ORDINANCE

Motion by Council Member Massaglia, seconded by Council Member Blanchard, that Ordinance No.2643-11/12 be adopted. Mayor Barra extended time to each Council Member to speak to their decision before voting. Council Member Massaglia stated he was the member who asked that the impoundment ordinance be repealed. He felt the provisions were unconstitutional in that they implied a person was guilty and fined before being hearing. He felt the expense to retrieve an impounded vehicle was unacceptable in the present economy. Council Member Blanchard stated he voted in favor of the original ordinance when it was sold as a tool to fight against drunk drivers. He requested several time that the provisions be amended for the innocent vehicle owner. He stated he was told by retired officers that it was a revenue generator. He would now support the repeal. Council Member Hendricks read from a prepared statement. He felt there was no proof in the reports that the ordinance deterred driving without a license or under the influence of drugs or alcohol. He agreed with Blanchard and Massaglia that it was created to be a revenue generator. Council Member Neumann supported the Impound Ordinance on its merits but felt also there were issues that could be fixed. He countered previous comments as to it constitutionality being up held. It's purpose was not a revenue generator but offset the extra services of the police by those that violate the law. He advised the City did not set the towing rate but asked that Council consider amending the ordinance as to the \$500 fine being a bondable fee.

Council Member Neumann then made a motion, seconded by Council Member Abel, that Ordinance No.2643-11/12 be tabled until the 2nd meeting in October. He requested also the Council meet as a Committee of the Whole with strategic staff members to review suggested changes. Council Member Schmidgall questioned the use of a City employed Hearing Officer determining guilt or innocence. He was not in favor continual revisions and would vote to repeal the present ordinance. Council Member Abel was willing to lessen the burden of the fine by paying only 10% upfront and the remainder on the basis of guilt and also to provide for the innocent owner of a vehicle. He stated the ordinance was not meant as a revenue enhancer.

Mayor Barra called for the vote to table. On roll call vote, Ayes, Abel, Neumann, Barra; Nays, Blanchard, Schmidgall, Hendricks, Massaglia. Motion failed.

On roll call vote to repeal the Seizure and Impound Ordinance, Ayes, Blanchard, Schmidgall, Hendricks, Massaglia; Nays, Abel, Neumann, Barra. Motion carried.

Council Member Schmidgall asked the Police Chief to research Mr. Mans contentions that he was unjustly charge for towing of his tractor by an unlicensed driver. He also expressed appreciation to the Chief for his well explained report to Council regarding the facts of the Seizure and Impoundment Ordinance.

Motion by Council Member Schmidgall, seconded by Council Member Abel, that **CHANGE ORDER #5 WITH WILLIAMS BROTHERS CONSTRUCTION, INC.** for the Wastewater Treatment Plant Phase I, in the amount of \$27,476.00, be approved. City Manager Joseph Wuellner updated the Council on the site evaluation and demolition items to the upgrade portion of Phase I at the Wastewater Treatment Plant. He advised it had always been anticipated there would be need for field changes, drawing modifications, additional ground support to keep existing plant in operation. Items covered in change orders and project contingency amounts were available for Council. On roll call vote, all present voted Aye.

Motion by Council Member Hendricks, seconded by Council Member Blanchard, that the **AGREEMENT WITH HANSEN PROFESSIONAL SERVICES, INC.** for Veterans Drive Project support in an amount not to exceed \$35,000.00 be approved. City Manager Joseph Wuellner advised that the land acquisition process for 25 properties needed for right of way on the Veterans Drive project was progressing on the smaller parcels. Assistance was needed on the larger parcels and where relocation was involved. He recommended the firm based on similar support in several communities and one of IDOT's approved negotiators. Cost would be reimbursed from the Veterans Drive Capital Bill funding. On roll call vote, all present voted Aye.

RESOLUTION NO. 10-11/12
ESTABLISHING PUBLIC HEARING DATE AND PLACE
FOR THE TIF REDEVELOPMENT PLAN & PROJECT IPC AREA

Motion by Council Member Neumann, seconded by Council Member Hendricks, that Resolution No.10-11/12, establishing a public hearing September 26, 2011 at City Hall Council Chambers @ 5:30 p.m., be adopted. Council Member were informed of scheduling matters to receive comments from the public for the consideration and adoption of the Tax Increment Finance Redevelopment Plan in the Industrial Park Conservation Area. On roll call vote, all present voted Aye.

ORDINANCE NO. 2644-11/12
AMENDING THE CITY OF PEKIN CODE TITLE 4, CHAPTER 11

Motion by Council Member Neumann, seconded by Council Member Blanchard, that Ordinance No. 2644-11/12, be adopted. City Clerk Sue McMillan advised the Council of the bookkeeping issue needing correction as to two ordinances being tracked in the code as Chapter 11. Ordinance No. 2097-97/98 Telecommunication Infrastructure Maintenance Fee would remain as Chapter 11 and provisions for the Registration of Landlords, Ordinance No. 2521-06/07 would be documented as Chapter 12. On roll call vote, all present voted Aye.

Motion by Council Member Abel, seconded by Council Member Massaglia, that the **LICENSE AGREEMENT WITH TAZEWELL & PEORIA RAILROAD FOR EFFLUENT DISCHARGE LINE** in the amount of \$1,750.00, be approved. Council took action on an agreement recommended by City Manager Joseph Wuellner. He explained the upgrade to the Wastewater Treatment Plant and the storm lagoon would increase the capacity, therefore, a new 48" line would be installed to the river under the existing tracks. The work would necessitate a onetime fee and license agreement. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Member Abel questioned staff regarding the timeframe for extension of Griffin Avenue to Veterans Drive. He was informed that the next PPUATS project funding consideration would be 2018. Attorney Dancey was asked to research the possibility of utilizing Hotel/Motel funding for the design fees.

Council Member Neumann asked that staff review code enforcement requirements and cooperation of Police Department and Code Enforcement/Inspections employees in remedying the contradictory provision of responsibility in enforcing parked abandon vehicles in the streets or in driveways. He suggested meeting as a Committee of the Whole if sitting down with all to discuss would help.

Council Member Blanchard express appreciation for the well organized motorcycle and St. Jude Run events that ran through Pekin on Saturday. He recognized and appreciated the hosting of a previous Larry's Casting Kids fishing event Police Chief Greg Nelson expressed appreciation to the participants for the safe events.

Council Member Neumann questioned when the new school signs would go up and was informed it would not be before the start of the school year.

City Manager Joseph Wuellner advised the public that the sewer liner project and the Wastewater Treatment Plant project would necessitate closing streets in the next few weeks.

Mayor Barra advised the Council Members of two anticipated special meetings: Economic Development Advisory Committee Monday, August 15, 2011 and bid award for Wastewater Treatment Plant Phase II Tuesday, August 30, 2011.

Bobby Mans, Richard Reeves, Bernie Gobbel, George Ohnemus, and Dale Kuntz all addressed Council again with issues of the Impoundment Ordinance, mandates, hiring of the City Manager, and concern of weed areas.

No further business to come before the Council, Mayor Barra adjourned the meeting in open session.

COUNCIL ADJOURNED AT 7:10 P.M.

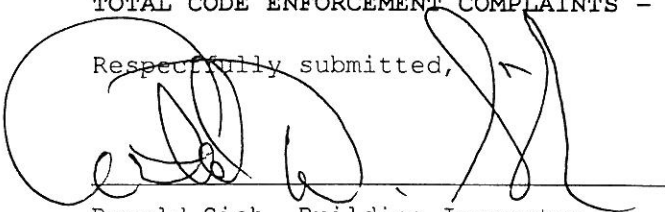
Sue E. McMillan
City Clerk

BUILDING DEPARTMENT REPORTS
INSPECTIONS & ZONING
June '2011

	PERMITS	VALUE	FEEs
BUILDING DEPT	77	\$1,845,911.00	\$ 6,478.00
ELECTRIC DEPT	33	\$ 6,400.00	\$ 1,793.00
HVAC DEPT	38	\$ 101,500.00	\$ 1,381.00
PLUMBING DEPT	38		\$ 960.00
STORM SEWER PERMITS	0		\$.00
STORM WATER PERMITS	3		\$ 60.00
SEWER PERMITS	10		\$ 550.00
SEWER TAP RES	1		\$ 1,600.00
SEWER TAP COMM	1		\$ 4,800.00
DEPARTMENT TOTAL	201	\$1,953,811.00	\$ 17,622.00

TOTAL CODE ENFORCEMENT COMPLAINTS - 160

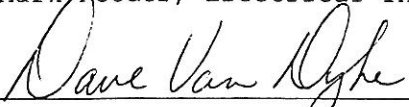
Respectfully submitted,



Ronald Sieh, Building Inspector



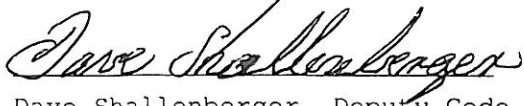
Mark Reeder, Electrical Inspector



Dave VanDyke, HVAC Inspector



Morris Sunkel, Plumbing & Sewer Inspector



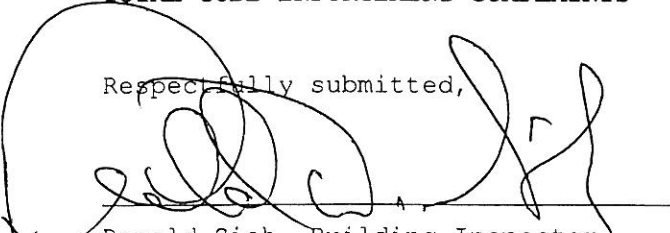
Dave Shallenberger, Deputy Code Enforcement Officer

BUILDING DEPARTMENT REPORTS
INSPECTIONS & ZONING
July '2011

	PERMITS	VALUE	FEEs
BUILDING DEPT	46	\$ 668,254.00	\$ 3,476.00
ELECTRIC DEPT	24	\$ 31,500.00	\$ 1,185.00
HVAC DEPT	43	\$ 171,529.00	\$ 2,000.00
PLUMBING DEPT	45		\$ 959.00
STORM SEWER PERMITS	0		\$.00
STORM WATER PERMITS	3		\$ 140.00
SEWER PERMITS	8		\$ 530.00
SEWER TAP RES	1		\$ 1,600.00
SEWER TAP COMM			\$.00
DEPARTMENT TOTAL	170	\$ 871,283.00	\$ 9,890.00

TOTAL CODE ENFORCEMENT COMPLAINTS - 180

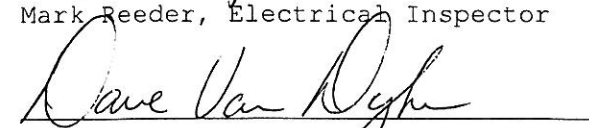
Respectfully submitted,



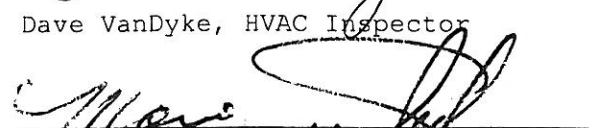
Ronald Sieh, Building Inspector



Mark Reeder, Electrical Inspector



Dave VanDyke, HVAC Inspector



Morris Sunkel, Plumbing & Sewer Inspector



Dave Shallenberger, Deputy Code Enforcement Officer

BUILDING REPORT 2011

MONTH	DWELLINGS 1	GARAGES 2	MULTI-FAMILY 3	COMMERCIAL 4	COMMERCIAL REMODELING 5	RESIDENTIAL REMODELING 6	MISC. 7	RESIDENTIAL DEMOLITIONS 8	COMMERCIAL DEMOLITIONS 9	BUILDING DOLLARS	BLDG PERMITS														
JANUARY					11.00	\$792,562	10.00	\$160,821	1.00	\$453,383	22.00														
FEBRUARY	2.00	\$655,024	1.00	\$16,000	4.00	\$192,014	6.00	\$69,933	2.00	\$4,050	\$0	\$937,021	18.00												
MARCH	2.00	\$470,132	2.00	\$15,396	15.00	\$417,237	18.00	\$189,066	16.00	\$23,264	\$0	\$1,115,095	53.00												
APRIL	4.00	\$702,355	1.00	\$10,000	10.00	\$93,700	12.00	\$140,050	49.00	\$101,939	1.00	\$0	\$6,048,044	79.00											
MAY	2.00	\$266,774	3.00	\$64,600	13.00	\$270,040	19.00	\$340,223	41.00	\$83,345	1.00	\$0	\$1,024,982	79.00											
JUNE	2.00	\$454,897	6.00	\$63,700	11.00	\$847,143	15.00	\$55,913	38.00	\$98,458	3.00	\$0	\$1,845,911	77.00											
TOTAL 6 MO.												22.00	\$1,400,261	11.00	\$67,596	0.00	\$1,775,539	88.00	\$1,233,160	7.00	\$0	\$10,327,414	254.00		
JULY	1.00	\$162,910	5.00	\$72,260	6.00	\$155,000	16.00	\$259,422	18.00	\$18,642			\$668,254	46.00											
AUGUST										\$0			\$0	0.00											
SEPTEMBER										\$0			\$0	0.00											
OCTOBER										\$0			\$0	0.00											
NOVEMBER										\$0			\$0	0.00											
DECEMBER										\$0			\$0	0.00											
TOTAL 6 MO.												1.00	\$162,910	5.00	\$72,260	0.00	\$0	\$155,000	16.00	\$259,422	18.00	\$48,642	\$0	\$668,254	46.00
YEAR												13	\$1,602,191	18.00	\$162,256	0.00	\$0	\$1,228,539	96.00	\$1,089,582	164.00	\$227,190	\$0	\$7,155,668	356.00

CITY OF PEKIN TRAFFIC SAFETY COMMITTEE MINUTES
AUGUST 5, 2011 @ 8:30 a.m.
CITY HALL CONFERENCE ROOM

PRESENT: Greg Nelson, Kurt Nelson, Tim Gillespie, Bob Shaw, Joe Wuellner, Mike Guerra.
Also present: Bill Scarcliff, Lee Ann Wrhel.

Old Business:

1. *St. Jude Run/Motorcycle Ride*

The St. Jude runners will be criss-crossing through town Saturday morning. The "Can You See Me Now?" motorcycle rally will ride through town beginning at noon on Saturday with a squad car lead.

At the end of August a group called Rapid Runners had scheduled a half marathon in Peoria. They have since been informed by Peoria that they will not be able to accommodate the run. Pekin has been asked to try to accommodate the runners. The police department is currently working on a route that will begin and end at the dome.

New Business:

1. *Hanna Drive Speed Limit*

A letter was received from a citizen asking for consideration to raise the speed limit on Hanna Drive between the railroad tracks and S. 5th Street. Joe made a motion to make a recommendation to City Council to raise the speed limit to 40 mph on Hanna Drive between the railroad tracks and S. 5th Street. The motion was seconded by Tim. All in favor.

2. *Bike Path Crossing @ 8th St.*

There was a request from a citizen asking for additional warning signs to motorists about the bike trail at the 8th St. crossing. The committee discussed this issue and due to the fact that there are currently bike trail signs on both sides of 8th St. at the crossing as well as stop signs on both sides of the bike trail at 8th St., Tim made a motion to leave the area as is. Joe seconded the motion. All in favor.

3. *Parking – 200 Block of Court St.*

A citizen called who is frustrated with residents of Court Place parking their vehicles on Court St. in front of the building. This was discussed by the committee and Tim made a motion for no action, seconded by Kurt. All in favor.

4. *Handicapped Parking*

The existing lists from the street department and the city code will be reviewed and then discussed at the next meeting. Going forward, a process will be developed to get all handicapped parking spaces listed in the code and reviewed regularly to keep the list current. Parameters will be set for consistency.

5. *Deer Crossing Sign (Valle Vista)*

A citizen made a request for a "deer crossing" sign on Valle Vista behind K-Mart. After discussion, Joe made a motion to leave the area as is, seconded by Kurt. All in favor.

Around the Table

Greg noted that the police department ran a speed spy traffic study in the new 45 mph zone on Broadway. The average speed was 43 mph. There will also be a traffic study done in the area of the new speed zone on Veteran's Drive.

Bob asked for consideration of "no parking" on the north side of Koch St. between Morton St. and S. 12th St. due to traffic visibility issues when vehicles are parked in that location. Letters will be sent to the residents and building owner/management company of the apartment complex that would be directly affected by this action and this item will be put on next month's agenda for consideration.

Commissioner Neumann came in on Thursday to talk to Greg asking for consideration to raise the speed limit on N. Parkway between Sheridan Rd. and the city limits to maintain consistency with other streets in town. To give the committee time to review this request, this item will be put on the next agenda for discussion and consideration.

Joe stated that upgrade work on the treatment plant is scheduled to begin the week of August 22nd for approximately 2 weeks which will cause Front St. to be closed in front of the treatment plant. The one-way signs will be covered during that time to allow for better traffic flow.

Respectfully Submitted,
Lee Ann Wrhel

NEXT REGULAR MEETING SEPTEMBER 2, 2011 @ 8:30 A.M.

August 3, 2011

Mr. Joe Wuellner
Pekin City Manager
Pekin, IL. 61554

Dear Mr. Wuellner,

I hereby submit to you the Pekin Fire Department July 2011 report, plus a summary of June 2011.

Kurt Nelson
Fire Chief
City of Pekin Fire Department

During the month of July 2011, the Pekin Fire Department responded to 378 calls, total dollar loss was \$85,400.00.

During the month of July 2011, (approximately 76.19%) were emergency medical calls, 90 were automatic fire alarms, service calls, small hazardous conditions involving no fire, and false alarms.

During the month of June 2011, the Pekin Fire Department responded to 370 calls, total dollar loss was \$31,300.00.

During the month of July 2011, (approximately 71.35%) were emergency medical calls, 106 were automatic fire alarms, service calls, small hazardous conditions involving no fire, and false alarms.

On July 4, 2011 Fire Fighters responded to a garage fire that was attached to the house at 209 Arrow Street. Upon arrival the fire was just starting to get into the house. We used a 2 ½ inch handline to knock the fire down. There was a lot of smoke damage inside the house. There was a car and two motorcycles inside the garage at the time of the fire. Five people were in the house at the time of the fire.

The son was in the basement lying in bed when he heard a "pop". He then started to go upstairs to find out what the noise was and he heard his mother yelling that the house was on fire. Everybody then got out of the house.

Believe motorcycle was leaking gasoline and found an ignition source after being put away for the night. The fire remains under investigation. Total dollar loss was \$75,000.00.

There was also damage at the neighbor's house at 207 Arrow Street. The siding was melted off but there was no structural damage. Total dollar loss was \$5,000.00.

On July 10, 2011 Fire Fighters responded to a smoke smell and a haze at 3510 Court Street. Upon arrival found a little haze and smoke smell. After investigating found that the breaker to the HVAC unit was blown. We had staff call their maintenance and they were getting someone out to take a look at it. Total dollar loss was \$1,000.00.

On July 11, 2011 Fire Fighters responded to an electrical outlet fire at 1514 S. 3rd Street. Upon arrival Engine 3 assuming command and nothing showing. Appeared owner had fire out PTA. Investigated wall with thermal imager and reached up into wall with hand. No additional fire found. Thermal imager taken into attic and no fire spread found. Owner had shut off electricity panel and no breakers tripped. Advised owner to leave main panel to garage off and contact electrician for repair and replacement of outlet and breakers. Prior to incident owner states no load on outlet and nothing plugged into outlet. Total dollar loss was \$200.00.

On July 16, 2011 Fire Fighters responded to a vehicle fire at intersection of Sara Lane and Sheridan Road. Upon arrival had a front tire on fire due to a problem with the brakes overheating. The inside of the tire was on fire when we arrived. We put the fire out and removed the tire from the vehicle. Total dollar loss was \$100.00.

On July 26, 2011 Fire Fighters responded for smoke in the basement at 1324 S. 2nd Street. E3 on scene assuming command reporting nothing showing. Upon 360 walk around, light smoke was noted coming from the basement, and reported to all units. E2 was instructed to stand by at a hydrant while L1 instructed stage at the truck. TWR3 captain and firefighter from E2 made entry from rear door of the house with a water extinguisher. Interior crew reported to command they found a mattress fire and had the fire controlled with the water extinguisher. Upon R2 arrival, R2 removed the cellar door for ventilation and removal of the burnt mattress. E3 placed a PPV fan at the front door of the structure to assist in smoke removal. All smoke was cleared from the structure and overhaul was performed. The fire was contained to the mattress and headboard. No fire entered the structural components of the house. Total dollar loss was \$2,000.00.

On July 29, 2011 Fire Fighters responded to smoke coming from light fixtures in overhang of north side of library at 301 S. 4th Street. E3 assuming command with light smoke showing from overhang. All rooms appeared clear in from windows during walk around. One fire crew sent in to investigate and check suspended ceiling connected to overhang. Determined that problem isolated to single light fixture that has been displaced from hole in overhang PTA. Unknown if malfunctioning electrical or from damage. Cleared all units except for Station and Fire 3. Breaker to lights in northside overhang shut down. Smoke had cleared. Smell of smoke also noted in children's area. Checked suspended ceiling visually and with imager. No problem found. Key holder stated that there are air intakes in ceiling when the fixture was producing the smell. Most likely circulated by HVAC system. All fire units cleared with power shut down to

fixtures. Fire alarm system was not set off by the incident. Total dollar loss was \$100.00.

On July 30, 2011 Fire Fighters responded to oxygen bottle on fire at 214 Park Ridge. Upon arrival found nothing showing. Upon entry to the home PFD found resident in the kitchen and the home was lightly smoke filled. The resident said she was cooking and her nasal cannula flared up. The resident stated she jerked the cannula off and threw it outside. There was no fire but there were scorch marks along the carpet from where the cannula tubing burned. Upon further inspection PFD noticed that the resident had black marks along her hands and her nose was peeling and red. The resident also had burnt marks in her nose. PFD dispatched for ALS. PFD put pt on O2 and took vitals. The residence was aired out until ALS. The pt was taken to PMH. Total dollar loss was \$2,000.00.

Total calls for the month of July were 378 and are as follows:

Fires	11
Rescue and EMS	288
Hazardous Conditions	17
Other types of calls	62

Total dollar loss for the month of July was \$85,400.00.

Total calls for the month of June were 370 and are as follows:

Fires	6
Rescue and EMS	264
Hazardous Conditions	18
Other types of calls	82

Total dollar loss for the month of June was \$31,300.00.

This is a brief overview of July 2011 and June 2011' events from the City of Pekin Fire Department. If you have any questions, please feel free to give me a call.

Respectfully Submitted,

Kurt R. Nelson
Fire Chief
Pekin Fire Department

BID TABULATIONS

JOB DESCRIPTION AND LOCATION:**2011 ANNUAL STREET SEAL COAT PROJECT****OPENING DATE** **August 11, 2011 @ 2:00 p.m.****BID OPENING**

CONTRACTOR NAME	BID BOND OR BANK CASHIER'S CHECK	BID	CALENDAR DAYS TO COMPLETE
R A CULLINAN & SON P.O. BOX 166 TREMONT ILLINOIS 61568	5%	\$258,386.00	

ESTIMATE: \$**ESTIMATED BY Michael Guerra City Engineer**

BID TABULATIONS

JOB DESCRIPTION AND LOCATION:

THE REHABILITATION OF THE 320 COURT STREET PARKING LOT

OPENING DATE: 08/09/11 PRE-BID CONTRACTORS MEETING: August 4, 2011 2:00 p.m. at site
BID OPENING: 10:00 A.M.

CONTRACTOR NAME	BID BOND OR BANK CASHIER'S CHECK	BID	CALENDAR DAYS TO COMPLETE
P.A. ATHERTON	5%	\$346,355.00	90 days
R. A. CULLINAN AND SON	5%	\$369,303.00	90 days
N.E. FINCH COMPANY	5%	\$391,000.00	90 days

ESTIMATE: \$

ESTIMATED BY Michael Guerra, City Engineer

PROCLAMATION

The City of Pekin is Joining the National Moment of Remembrance of the 10th Anniversary of September 11th

WHEREAS, the governing body of *(insert name of municipality)* expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the governing body of the *City of Pekin*;

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the

innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of the *(insert the name of municipality)* calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the governing body of the *City of Pekin* encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

9/11 NATIONAL MOMENT OF REMEMBRANCE

STOP & REMEMBER

SEPTEMBER 11, 2011 • 1:00 PM EDT

The U.S. Senate has unanimously passed a resolution (S. Res. 237) calling on all Americans to participate in a Moment of Remembrance on September 11, 2011. For one minute, first responders, houses of worship, towns, and others throughout the country will sound sirens and bells in a signal to each of us to STOP AND REMEMBER the 10th anniversary of the tragedies of September 11, 2001.

*On September 11, 2011,
will you join us in committing to
STOP AND REMEMBER?*

1:00 PM EDT
12:00 PM CDT
11:00 AM MDT
10:00 AM PDT

Spread the word:

www.lautenberg.senate.gov/stopandremember



For more information please contact:

stopandremember@lautenberg.senate.gov

Office of Senator Frank R. Lautenberg

www.lautenberg.senate.gov | Tel: 202-224-3224 | Toll Free: 888-398-7642

11-11/12
RESOLUTION No. _____

August 22, 2011
PEKIN, ILLINOIS, _____ 19____

RESOLUTION BY COMMISSIONER _____

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS, THAT:

Dennis R. Kief is hereby appointed to the Tax Increment Finance (TIF) Joint Review
Board as an at-large representative.

SIGNED BY _____

MAYOR.



REQUEST FOR COUNCIL ACTION

To: Mayor and Council

CC: City Clerk & City Manager

From: Michael Guerra, City Engineer

AGENDA ITEM: Award Bid for Annual Seal Coat Project

AGENDA DATE REQUESTED: August 22, 2011

ACTION REQUESTED: To award the bid from R.A. Cullinan of \$258,386.00 for the Annual Street Seal Coating Project.

DESCRIPTION: This project is for the annual seal coating for the all streets west of the river to 5th St. from Sheridan Rd to Willow St. and 5th St. from Koch St. to Hanna Drive.

I recommend that this resolution be approved.

FINANCIAL IMPACT: \$173,301.00 of MFT Funds and \$85,085 of CDBG Funds for a total of \$258,386.00

NEIGHBORHOOD CONCERNS: None

IMPACT IF APPROVED: The Project will be awarded and work will commence

IMPACT IF DENIED: The project will not be awarded and no work will commence

ALTERNATIVES: Use General Funds to

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more than 2 boxes. Copy this check mark √ and paste it to the left of the relevant theme.]

	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
√	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
	A High Quality of Life. To support or provide services that improves the quality of life for Pekin's residents.
	An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES

Department Director: 

Date: 8/11/2011

Finance Department (Certification of Availability of Funds):



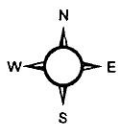
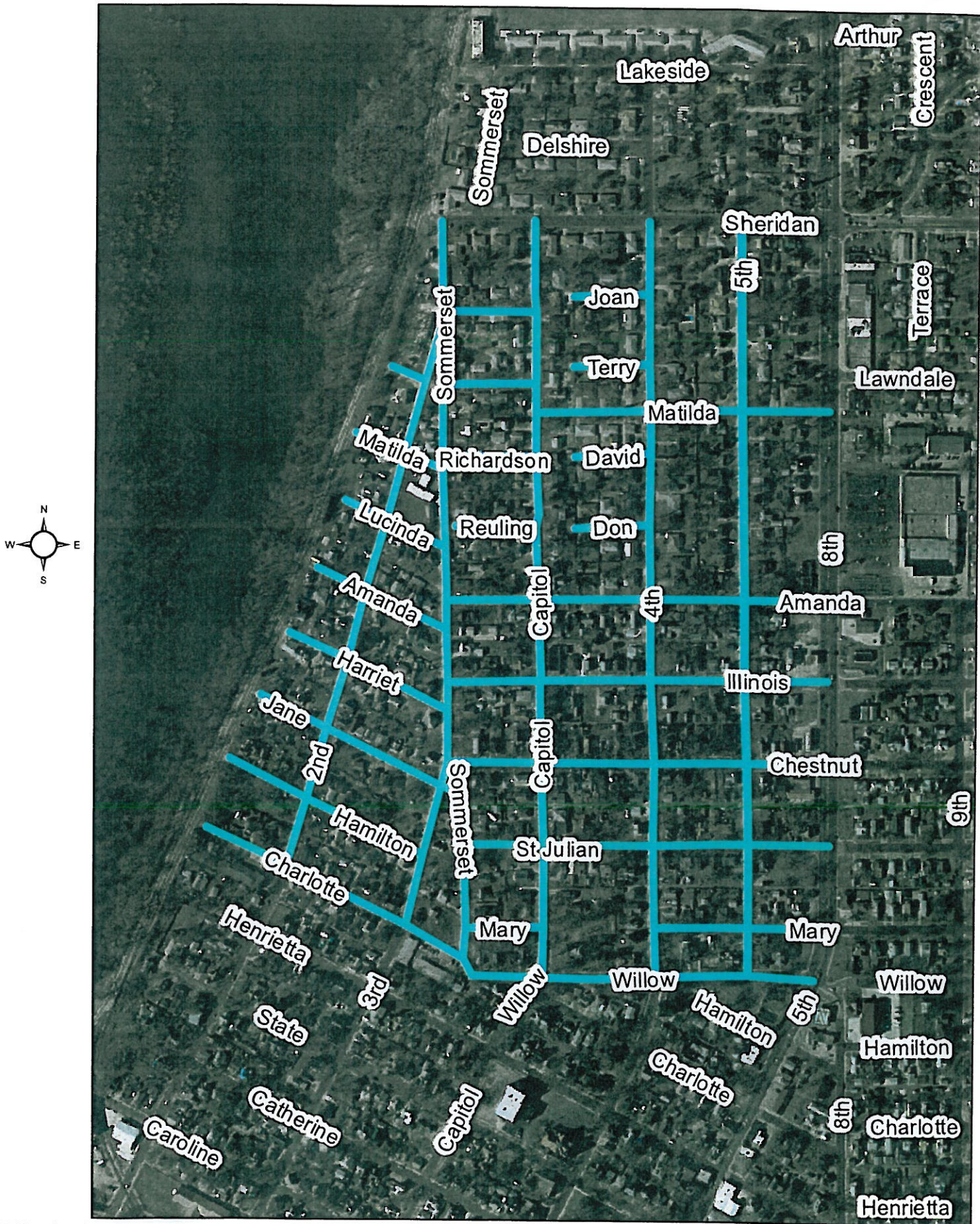
Route
County
Local Agency
Section

TAZEWELL
PEKIN
11-00000-01-GM

(For complete information covering these items, see plans and specifications)

[illegible]

Seal Coat 2011



Legend

Seal Coat for 2011

0 250 500 1,000 1,500 2,000 Feet

Seal Coat 2011





REQUEST FOR COUNCIL ACTION

To: Mayor and Council

CC: City Clerk & City Manager

From: Michael Guerra, City Engineer

AGENDA ITEM: Resolution for Annual Street Seal Coating

AGENDA DATE REQUESTED: July 11, 2011

ACTION REQUESTED: Approve Resolution for expenditure of MFT Funds for the Annual Street Seal Coating Project in the amount of \$175,000

DESCRIPTION: This is the resolution for the expenditure of MFT Funds for the Annual Street Seal Coating project. Amount for this year's expenses have been approved in the budget for FY2012.

I recommend that this resolution be approved.

FINANCIAL IMPACT: \$175,000 of MFT Funds

NEIGHBORHOOD CONCERNS: None

IMPACT IF APPROVED: The annual street seal coating will be covered this fiscal year using MFT Funds

IMPACT IF DENIED: The annual street seal coating will not be covered this fiscal year using MFT Funds

ALTERNATIVES: Use General Funds for the annual seal coating project

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more than 2 boxes. Copy this check mark ✓ and paste it to the left of the relevant theme.]

	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
✓	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
	A High Quality of Life. To support or provide services that improves the quality of life for Pekin's residents.
	An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES

Department Director: 

Date: 8/11/2011



Illinois Department of Transportation

Resolution for Improvement by Municipality Under the Illinois Highway Code

BE IT RESOLVED, by the City Council of the
City Pekin of Pekin Illinois
that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
All Streets West of the River to 5 th ST.		Sheridan	Willow

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Applying a seal coat and related construction activities on
all streets West of the River to 5th ST. from Sheridan Rd. to Willow St.

and shall be constructed 42 wide
and be designated as Section 11-00000-01-GM

2. That there is hereby appropriated the (additional ☐ Yes ☒ No) sum of One hundred and seventy five thousand
dollars and zero cents Dollars (\$175,000.00) for the
improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by RA Cullinan & Son Inc, a division of United Contractors Midwest Inc. ; and,
Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the
district office of the Department of Transportation.

Approved

Date

Department of Transportation

Regional Engineer

I, Sue McMillan Clerk in and for the

City Pekin of Pekin

City, Town or Village

County of Tazewell, hereby certify the

foregoing to be a true, perfect and complete copy of a resolution adopted

by the City Council

Council or President and Board of Trustees

at a meeting on August 22, 2011

Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this

day of

(SEAL)

City, Town, or Village Clerk



REQUEST FOR COUNCIL ACTION

To: Mayor and Council

CC: City Clerk & City Manager

From: Michael Guerra, City Engineer

AGENDA ITEM: 320 Court Street Parking Lot Rehabilitation Project

AGENDA DATE REQUESTED: August 22, 2011

ACTION REQUESTED: To award the Low bid from P.A. Atherton of \$346,355.00 for the Rehabilitation of the City owned Parking Lot at 320 Court ST.

DESCRIPTION: This project is to rehabilitate the existing city owned parking lot at 320 Court St. The work will include removing the existing pavement, removal of all unacceptable fill that was place when existing buildings were demolished, and partial removal of the foundation walls that were left in place. Then the excavated site will be filled with compacted select fill and graded, an aggregate base course and a 3" HMA parking lot surface placed. Also, any abandoned utilities found during the construction will be properly capped to ensure that there won't be any future deterioration.

This project will provide the following benefits :

Increased quality parking for the downtown area

Opportunity to lease parking spots to downtown business to help offset the cost of construction

Beautification of an unattractive lot

I recommend that this resolution be approved.

FINANCIAL IMPACT: \$346,355.00 of TIF Funds

NEIGHBORHOOD CONCERNS: None

IMPACT IF APPROVED: The Project will be awarded and work will commence

IMPACT IF DENIED: The City will close the parking lot since most of the parking lot is more hazardous then functional.

ALTERNATIVES: Alternatives designs have been considered but looking at life cycle cost would not be recommended

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more than 2 boxes. Copy this check mark √ and paste it to the left of the relevant theme.]

	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
√	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
	A High Quality of Life. To support or provide services that improves the quality of life for Pekin's residents.

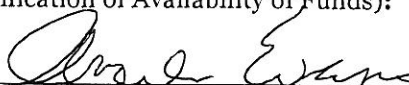
An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES

Department Director: 

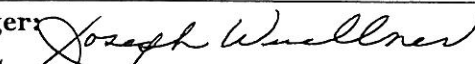
Date: 8/11/2011

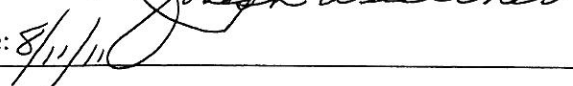
Finance Department (Certification of Availability of Funds):

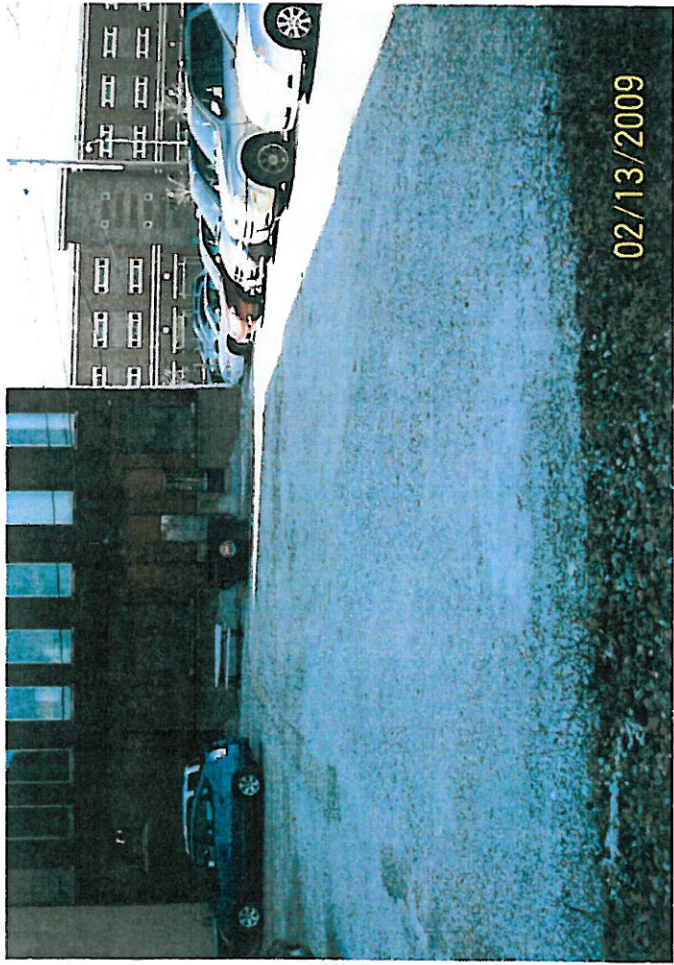
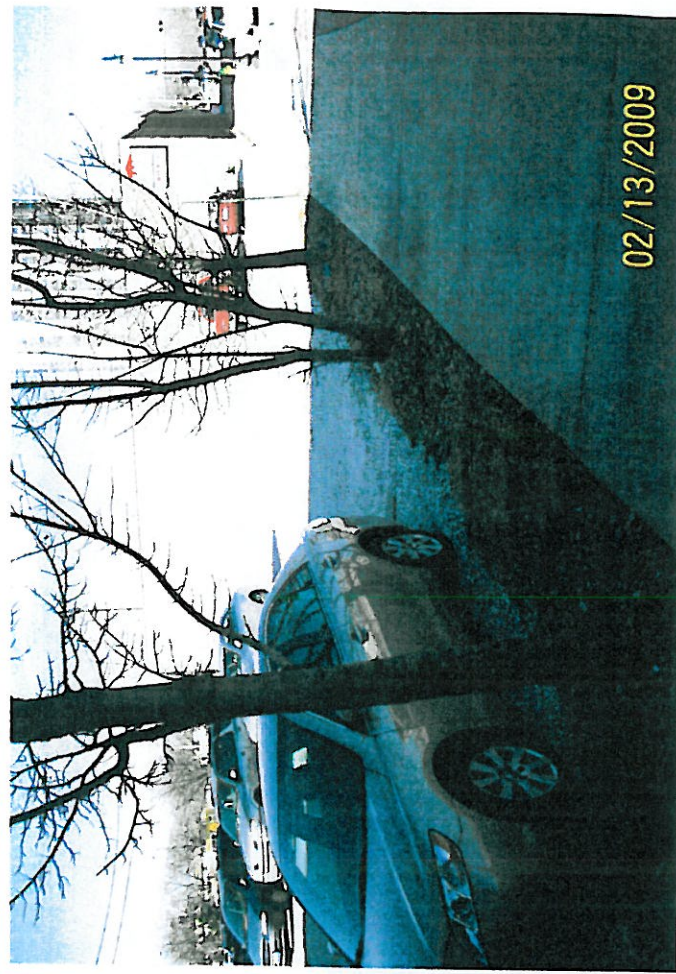
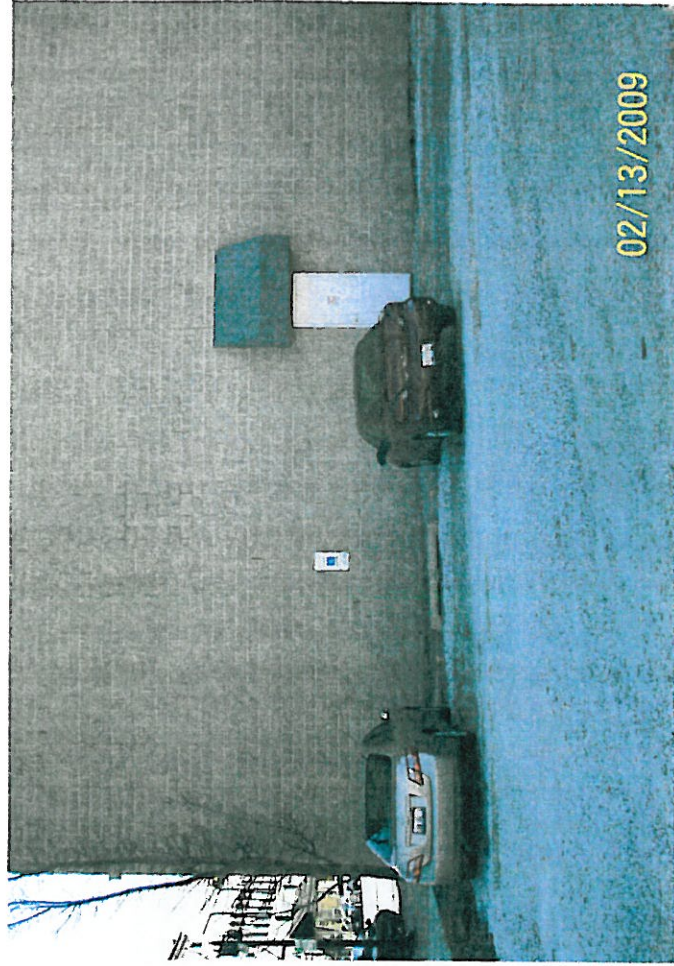
Date: 8-11-2011 

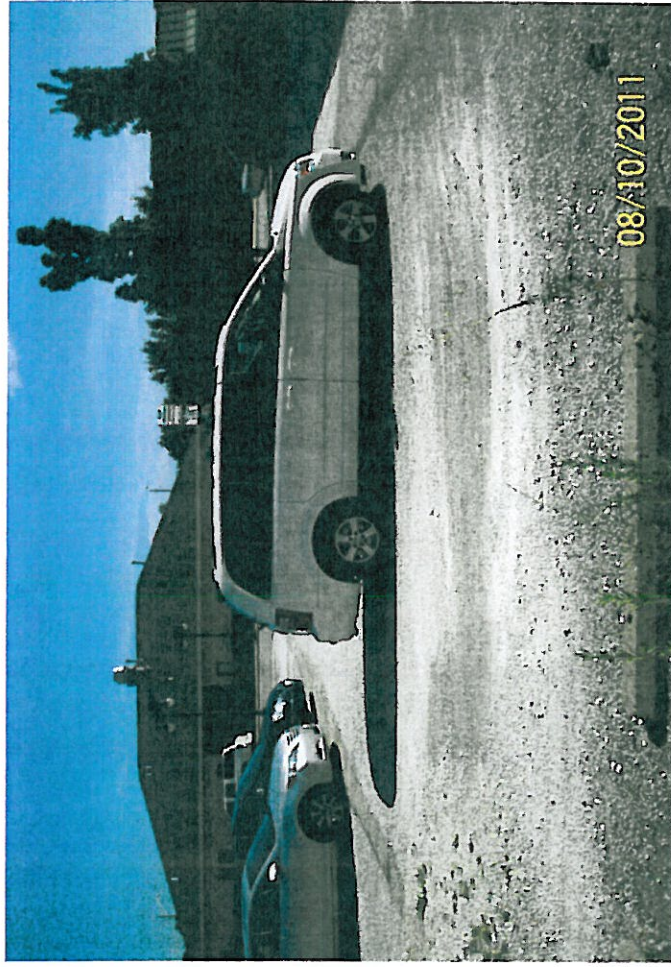
Corporation Counsel:

Date:

City Manager: 

Date: 8/11/11 





320 Court St. Parking Lot

			Estimation		NE Finch		PA Atherton		RA Cullinan		
1	Excavation										
1.1	Pavement Removal	SY	1,210	\$10.00	\$12,100.00	\$7.75	\$9,377.50	\$7.50	\$9,075.00	\$12.00	\$14,520.00
1.2	Removal of Existing Fill	CY	4,835	\$15.00	\$72,525.00	\$50.40	\$243,684.00	\$30.00	\$145,050.00	\$21.00	\$101,535.00
1.3	Removal of Foundation Wall	CY	72	\$18.50	\$1,332.00	\$37.00	\$2,664.00	\$75.00	\$5,400.00	\$175.00	\$12,600.00
1.4	Capping of Abandoned Utilities	EA	3	\$50.00	\$150.00	\$78.50	\$235.50	\$750.00	\$2,250.00	\$425.00	\$1,275.00
				Sub Total	\$86,107.00	Sub Total	\$255,961.00	Sub Total	\$161,775.00	Sub Total	\$129,930.00
2	Paving										
2.1	Select Fill	CY	4835	\$20.00	\$96,700.00	\$18.70	\$90,414.50	\$28.00	\$135,380.00	\$32.60	\$157,621.00
2.2	Aggregate Base Course 6"	SY	1500	\$15.00	\$22,500.00	\$6.40	\$9,600.00	\$8.00	\$12,000.00	\$15.00	\$22,500.00
2.3	Bit. Materials (Prime Coat)	GAL	750	\$7.00	\$5,250.00	\$5.05	\$3,787.50	\$4.80	\$3,600.00	\$3.00	\$2,250.00
2.4	Hot Mix Asphalt	TON	255	\$130.00	\$33,150.00	\$99.75	\$25,436.25	\$98.00	\$24,990.00	\$100.00	\$25,500.00
2.5	Concrete Curb Ty B	LF	101	\$35.00	\$3,535.00	\$32.00	\$3,232.00	\$35.00	\$3,535.00	\$82.00	\$8,282.00
2.6	Rock Filler	SY	23	\$25.00	\$575.00	\$19.75	\$454.25	\$25.00	\$675.00	\$140.00	\$3,220.00
				Sub Total	\$161,710.00	Sub Total	\$132,924.50	Sub Total	\$180,080.00	Sub Total	\$219,373.00
AD #1	Remove and Reinstall Air Cond	Lsum	1	\$5,000.00	\$5,000.00	2114.5	\$2,114.50	\$4,500.00	\$4,500.00	\$20,000.00	\$20,000.00
				Total	\$252,817.00	Total	\$391,000.00	Total	\$346,355.00	Total	\$369,303.00

BID TABULATIONS

JOB DESCRIPTION AND LOCATION:

THE REHABILITATION OF THE 320 COURT STREET PARKING LOT

OPENING DATE: 08/09/11 PRE-BID CONTRACTORS MEETING: August 4, 2011 2:00 p.m. at site
BID OPENING: 10:00 A.M.

CONTRACTOR NAME	BID BOND OR BANK CASHIER'S CHECK	BID	CALENDAR DAYS TO COMPLETE
P.A. ATHERTON	5%	\$346,355.00	90 days
R. A. CULLINAN AND SON	5%	\$369,303.00	90 days
N.E. FINCH COMPANY	5%	\$391,000.00	90 days

ESTIMATE: \$

ESTIMATED BY Michael Guerra, City Engineer



RETURN WITH BID

Route
County
Local Agency
Section

320 Court St. Parking
Tazewell
City of Pekin

Time and Place of Opening of Bids

Sealed proposals for the improvement described below will be received at the office of City Clerk

City Hall, 111 S. Capitol St., Pekin, IL 61554

until 10 o'clock A M., August 9, 2011 (address) Proposals will be opened and read publicly

at 10 o'clock A M., August 9, 2011 (date) at the office of City Clerk

City Hall, 111 S. Capitol St., Pekin, IL 61554 (date)

(address)

Description of Work

Name Rehilation of Parking Lot at 320 Court St.

Location 320 Court St., Pekin, IL 61554

Proposed Improvement The removal of the existing pavement, existing fill, and parts of the exiting foundations

Then the placement of select fill, an aggergate base and 3" of HMA surface

Bidders Instructions

1. Plans and proposal forms will be available in the office of City Clerk
City Hall, 111 S. Capitol St., Pekin, IL 61554
2. If prequalification is required , the 2 low bidders must file within 24 hours after the letting an "Affidavit of Availability" (Form BC 57), in triplicate, showing all uncompleted contracts awarded to them and all low bids pending award for Federal, State, County, Municipal and private work. One copy shall be filed with the Awarding Authority and 2 copies with the IDOT District Office.
3. All proposals must be accompanied by a proposal guaranty as provided in BLRS Special Provision for Bidding Requirements and Conditions for Contract Proposals contained in the "Supplemental Specifications and Recurring Special Provisions".
4. The Awarding Authority reserves the right to waive technicalities and to reject any or all proposals as provided in BLRS Special Provision for Bidding Requirements and Conditions for Contract Proposals contained in the "Supplemental Specifications and Recurring Special Provisions".
5. Bidders need not return the entire contract proposal when bids are submitted unless otherwise required. Portions of the proposal that must be returned include the following:
 - a. BLR 12220 - Notice to Bidders
 - b. BLR 12221 - Contract Proposal
 - c. BLR 12222 - Contract Schedule of Prices
 - d. BLR 12223 - Signatures
 - e. BLR 12230 - Proposal Bid Bond (if applicable)
6. The quantities appearing in the bid schedule are approximate and are prepared for the comparison of bids. Payment to the Contractor will be made only for the actual quantities of work performed and accepted or materials furnished according to the contract. The scheduled quantities of work to be done and materials to be furnished may be increased, decreased or omitted as hereinafter provided.

7. Submission of a bid shall be conclusive assurance and warranty the bidder has examined the plans and understands all requirements for the performance of work. The bidder will be responsible for all errors in the proposal resulting from failure or neglect to conduct an in depth examination. The Awarding Authority will, in no case be responsible for any costs, expenses, losses or changes in anticipated profits resulting from such failure or neglect of the bidder.
8. The bidder shall take no advantage of any error or omission in the proposal and advertised contract.
9. If a special envelope is supplied by the Awarding Authority, each proposal should be submitted in that envelope furnished by the Awarding Agency and the blank spaces on the envelope shall be filled in correctly to clearly indicate its contents. When an envelope other than the special one furnished by the Awarding Authority is used, it shall be marked to clearly indicate its contents. When sent by mail, the sealed proposal shall be addressed to the Awarding Authority at the address and in care of the official in whose office the bids are to be received. All proposals shall be filed prior to the time and at the place specified in the Notice to Bidders. Proposals received after the time specified will be returned to the bidder unopened.
10. Permission will be given to a bidder to withdraw a proposal if the bidder makes the request in writing or in person before the time for opening proposals.

By Order of

City of Pekin

(Awarding Authority)

Michael Guerra, P.E.

City Engineer

Note: All proposal documents, including Proposal Guaranty Checks or Proposal Bid Bonds, should be stapled together to prevent loss when bids are processed.



RETURN WITH BID

Route 320 Court St Parking Lot
County Tazewell
Local Agency City of Pekin
Section _____

1. Proposal of The rehabilitation of the parking lot at 320 Court St.

for the improvement of the above section by the construction of the removal of all existing pavement, all existing fill from the demolition of previous buildings and parts of the foundations that were left in place. Then the site will be filled with select fill material, have an aggregate base placed and primed, then topped with a 3" HMA surface.

_____ a total distance of _____ feet, of which a distance of _____ feet, (_____ miles) are to be improved.

2. The plans for the proposed work are those prepared by City of Pekin and approved by the Department of Transportation on _____
3. The specifications referred to herein are those prepared by the Department of Transportation and designated as "Standard Specifications for Road and Bridge Construction" and the "Supplemental Specifications and Recurring Special Provisions" thereto, adopted and in effect on the date of invitation for bids.
4. The undersigned agrees to accept, as part of the contract, the applicable Special Provisions indicated on the "Check Sheet for Recurring Special Provisions" contained in this proposal.
5. The undersigned agrees to complete the work within 90 working days or by _____ unless additional time is granted in accordance with the specifications.
6. A proposal guaranty in the proper amount, as specified in BLRS Special Provision for Bidding Requirements and Conditions for contract Proposals, will be required. Bid Bonds ☒ will ☐ will not be allowed as proposal guaranties. Accompanying this proposal is either a bid bond if allowed, on Department form BLR 12230 or a proposal guaranty check, complying with the specifications, made payable to: City of Pekin Treasurer of _____
- the amount of the check is 5% (_____)
7. In the event that one proposal guaranty check is intended to cover two or more proposals, the amount must be equal to the sum of the proposal guaranties, which would be required for each individual proposal. If the proposal guaranty check is placed in another proposal, it will be found in the proposal for: Section Number _____
8. If this proposal is accepted and the undersigned fails to execute a contract and contract bond as required, it is hereby agreed that the Bid Bond or check shall be forfeited to the Awarding Authority.
9. Each pay item should have a unit price and a total price. If no total price is shown or if there is a discrepancy between the product of the unit price multiplied by the quantity, the unit price shall govern. If a unit price is omitted, the total price will be divided by the quantity in order to establish a unit price.
10. A bid will be declared unacceptable if neither a unit price nor a total price is shown.
11. The undersigned firm certifies that it has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has the firm made an admission of guilt of such conduct which is a matter of record, nor has an official, agent, or employee of the firm committed bribery or attempted bribery on behalf of the firm and pursuant to the direction or authorization of a responsible official of the firm. The undersigned firm further certifies that it is not barred from contracting with any unit of State or local government as a result of a violation of State laws prohibiting bid-rigging or bid-rotating.
12. The undersigned submits herewith the schedule of prices on BLR 12222 covering the work to be performed under this contract.



Route
County
Local Agency
Section

320 Court St. Parking Lot
Tazewell
City of Pekin

(For complete information covering these items, see plans and specifications)

Item No.	Items	Unit	Quantity	Unit Price	Total
----------	-------	------	----------	------------	-------

Engineers Estimate

[illegible]



Schedule of Prices

Route
County
Local Agency
Section

320 Court St. Parking Lot

Tazewell

City of Pekin

RETURN WITH BID

(For complete information covering these items, see plans and specifications)

Alternate Bid given - See attachment



Illinois Department
of Transportation

Signatures

RETURN WITH BID

Route 320 Court St. Parking
County Tazewell
Local Agency City of Pekin
Section _____

(If an individual)

Signature of Bidder _____

Business Address _____

(If a partnership)

Firm Name _____

Signed By _____

Business Address _____

Insert
Names and
Addresses of
All Partners

(If a corporation)

Corporate Name PA Atherton Construction, Inc

Signed By Patricia A. Atherton President

Business Address 96 Eichhorn Rd.

Spring Bay, IL 61611

Insert
Names of
Officers

President Patricia A. Atherton
Secretary _____
Treasurer _____

Attest: Addison L. Dean Secretary

P.A. Atherton Construction, Inc.

96 Eichhorn Rd.

Springbay, IL 61611

Phone: 309-822-8575 ~ Fax: 309-822-8782

Project Contact: Mitch Atherton 309-208-5325

Job Name:

City of Pekin

320 Court Street Parking Lot

Alternate Bid

Date
8/9/2011

Item	Unit	Quantity	Unit Price	Total
Excavate 3' deep (1500 SY)	CY	750.00	\$ 30.00	\$ 22,500.00
Demolish 3' of existing walls	LS	1.00	\$5,000.00	\$ 5,000.00
Aggregate base course (2')	TON	2,000.00	\$ 19.00	\$ 38,000.00
B6-12 Curb	LF	101.00	\$ 50.00	\$ 5,050.00
Remove and reinstall air conditioner units	LS	1.00	\$4,500.00	\$ 4,500.00
PCC Pavement 10" with fiber	SY	1,500.00	\$ 60.00	\$ 90,000.00
Total Alternate Bid				\$ 165,050.00

Phone	Fax	Email
309-822-8575	309-822-8782	a.dean@mchsi.com

TAZEWELL HEALTH DEPARTMENT
21306 Illinois Route 9
Tremont, IL 61568-9252 309/925-5511

CONTRACT

THIS AGREEMENT is entered into by and between the **City of Pekin** (hereinafter referred to as GRANTEE), and the COUNTY OF TAZEWELL, a body politic and corporate, (hereinafter referred to as the COUNTY).

COUNTY OBLIGATIONS

The COUNTY agrees to provide a grant in the amount of **\$67,000.00** Payment shall be made in full and shall be authorized upon execution of this Agreement The grant shall commence on the date of this Agreement and end on **12/31/12**. All funds that have not been expended or legally obligated by the expiration or termination of this Agreement may have to be returned to the COUNTY within 45 days following the expiration or termination of the Agreement.

GRANTEE OBLIGATIONS

The Grantee agrees that all grant monies will be used in support of and in connection with the COUNTY approved recycling collection program. The COUNTY will monitor the recycling program to ensure it remains in compliance with the COUNTY'S IEPA approved Solid Waste Management Plan. Failure of Grantee to comply with this Plan will require forfeiture of all unused grant funds.

Upon request by the COUNTY, Grantee agrees to prepare and submit an annual progress report detailing program expenditures.

IN WITNESS THEREOF, the undersigned governmental units have caused this Agreement to be duly executed.

TAZEWELL COUNTY

By: _____
County Chairman

ATTEST: _____
County Clerk

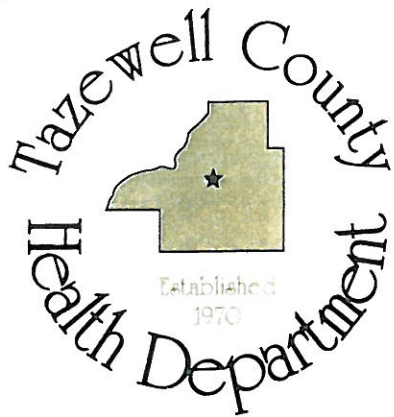
Dated: _____

GRANTEE

By: Laurie L. Barra
Mayor/Supervisor

ATTEST: Sue M. McMillan
City Clerk

Dated: 8/2/11



July 28, 2011

Mayor Laurie Barra
City of Pekin
111 S. Capital
Pekin, IL 61554

Dear Mayor Barra:

Enclosed, please find two copies of the annual recycling grant contract. Please sign and return both copies to this office. A fully signed and executed contract will be returned to you along with the grant check.

Please call if you have any questions.

Sincerely,

TAZEWELL COUNTY HEALTH DEPARTMENT

Ray Corey

Ray Corey

Director, Solid Waste Planning & Enforcement

21306 Illinois Route 9
Tremont, IL 61568
309.925.5511 ph 309.925.4381 fax
www.tazewellhealth.org





REQUEST FOR COUNCIL ACTION

To: Mayor and Council

CC: City Clerk

From: Greg Nelson, Police Chief

AGENDA ITEM: Speed Limit, Hanna Drive

AGENDA DATE REQUESTED: August 22, 2011

ACTION REQUESTED: Set the speed limit to 40 MPH (currently 30 MPH) on Hanna Drive from the railroad tracks to South 5th Street.

This action is at the request of the Traffic Safety Committee.

BACKGROUND: The newest section of Hanna Drive is currently 30 MPH. There are no homes or businesses on that section. The Traffic Safety Committee believes that a speed limit of 40 MPH is safe and appropriate.

FINANCIAL IMPACT: The installation of signs will cost approximately \$400

NEIGHBORHOOD CONCERNS: There are no neighborhoods adjacent to this roadway.

IMPACT IF APPROVED: Traffic will flow faster and more motorists will likely use this route.

IMPACT IF DENIED: No change

ALTERNATIVES: Numerous other changes in the speed limits are possible

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more than 2 boxes]

- ☐ **A Prosperous Community.** To promote and sustain a balanced economy that supports expansion and retention of Family-way jobs.
- ☒ **A Safe Community.** To protect community life and property by providing effective, principled Police and Fire services.
- ☐ **A Strong Foundation.** To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.

- ☐ **A High Quality of Life.** To support or provide services that improves the quality of life for Pekin's residents.
- ☐ **An Effective Government.** To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES

Department Director



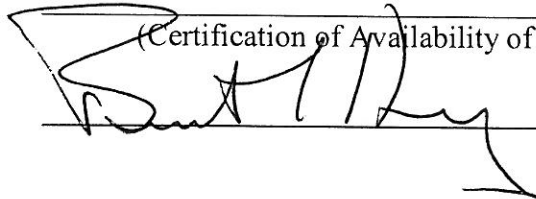
8/8/2011
Date

Finance Department

(Certification of Availability of Funds)

Date

Corporation Counsel



8/11/11
Date

City Manager

Date

ORDINANCE NO. 1462-A310 – 11/12

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 3, SECTION 3 F.
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING SPEED LIMITS ON HANNA DRIVE**

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; and

WHEREAS, the Traffic Safety Committee reviewed the speed limit currently in place on Hanna Drive at the Traffic Safety Meeting of August 5, 2011; and

WHEREAS, the Traffic Safety Committee recommended to Council to consider raising the speed limit on Hanna to improve the faster flow of traffic and the likelihood of more use of the route; and

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the Traffic Code regarding Hanna Drive statutory urban speed of 30 mph.

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

1. That Title 8, Chapter 3, Section 3. F. be amended by adding the following:

<u>Control</u>	<u>Speed</u>	<u>On Street</u>	<u>At or From</u>	<u>To</u>	<u>Direction</u>
Speed	40 mph	Hanna Drive	railroad tracks	S. Fifth Street	EW

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 _____, 2011; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2011.

Mayor

ATTEST:

City Clerk

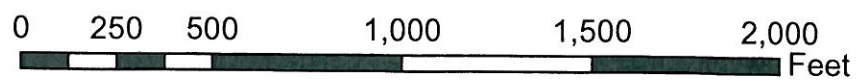
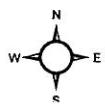
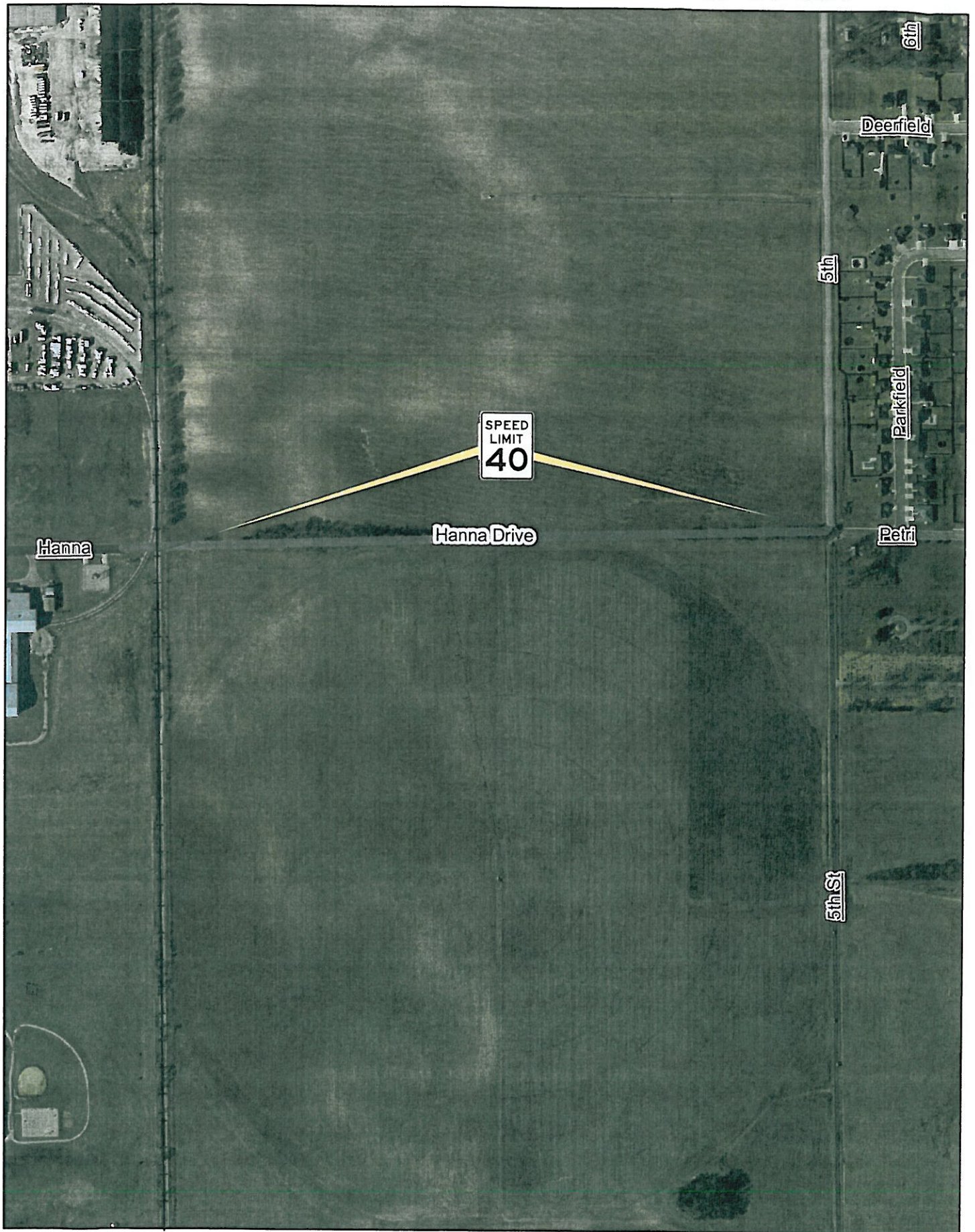
- F. The absolute statutory urban speed limit shall be thirty (30) miles per hour in streets, fifteen (15) miles per hour in the Pekin Boat Access area and fifteen (15) miles per hour in alleys. The absolute statutory non-urban speed limit shall be fifty-five (55) miles per hour.

Control	Speed	On Street	At or From	To	Direction
Speed	20 mph	Market Street	N. Nineteen Street	East End	EW
Speed	20 mph	N. Nineteenth St.	Broadway Road	Market Street	S
Speed	20 mph	N. Twentieth Street	Broadway Road	Market Street	N
Speed	20 mph	Park Avenue	Court Street	12 th Street	EW
				Ord. No. 1462-A276	
Speed	35 mph	Broadway Road	N. 14 th Street	Parkway Drive	EW
				Ord. No. 1462-	
A306					
Speed	35 mph	Court Street	S. Ninth Street	Valle Vista Blvd	EW
Speed	35 mph	N. Eighth Street	Chestnut Street	Coolidge Drive	NS
Speed	35 mph	S. Second Street	Derby Street	Koch Street	NS
Speed	35 mph	S. Fourteenth Street	Rosemary Street	Koch Street	NS
Speed	35 mph	Parkway Drive	Broadway Road	Velde Drive	NS
				Ord. No. 1462-A266	
Speed	35 mph	Sheridan Road	California Road	California Road E	EW
				Ord. No. 1462-A292	
Speed	35 mph	VFW Road	Route 29	IC Railroad	EW
Speed	40 mph	Ann Eliza Street	N. Second Street	Bridge	West
Speed	40 mph	Broadway Road	Parkway Drive	Schramm Drive	EW
				Ord No. 1462-A306	
Speed	40 mph	Court Street	Valle Vista Blvd	Barney Avenue	EW
Speed	40 mph	Hanna Drive	railroad tracks	S. Fifth Street	EW
				Ord. No.1462-A310	
Speed	40 mph	Margaret Street	Bridge	N. Second Street	East
Speed	40 mph	N. Eighth Street	Coolidge Drive	Past Sacred Hrt. Ce.	NS
Speed	40 mph	Parkway Drive	Velde Drive	Northern City Limit	NS
				Ord. No. 1462-A266	
Speed	45 mph	Broadway Road	Schramm Drive	Veterans Drive	EW
				Ord. No. 1462-A306	
Speed	45 mph	Court Street	Barney Avenue	Veterans Drive	EW
Speed	45 mph	S. Fourteenth Street	VFW Road	Rosemary Street	NS

Control	Speed	On Street	At or From	To	Direction
Speed	20 mph	Market Street	N. Nineteen Street	East End	EW
Speed	20 mph	N. Nineteenth St.	Broadway Road	Market Street	S
Speed	20 mph	N. Twentieth Street	Broadway Road	Market Street	N
Speed	20 mph	Park Avenue	Court Street	12 th Street	EW
				Ord. No. 1462-A276	
Speed	35 mph	Broadway Road	N. 14 th Street	Parkway Drive	EW
				Ord. No. 1462-A306	
Speed	35 mph	Court Street	S. Ninth Street	Valle Vista Blvd	EW
Speed	35 mph	N. Eighth Street	Chestnut Street	Coolidge Drive	NS
Speed	35 mph	S. Second Street	Derby Street	Koch Street	NS
Speed	35 mph	S. Fourteenth Street	Rosemary Street	Koch Street	NS
Speed	35 mph	Parkway Drive	Broadway Road	Velde Drive	NS
				Ord. No. 1462-A266	
Speed	35 mph	Sheridan Road	California Road	California Road E	EW
				Ord. No. 1462-A292	
Speed	35 mph	VFW Road	Route 29	IC Railroad	EW
Speed	40 mph	Ann Eliza Street	N. Second Street	Bridge	West
Speed	40 mph	Broadway Road	Parkway Drive	Schramm Drive	EW
				Ord No. 1462-A306	
Speed	40 mph	Court Street	Valle Vista Blvd	Barney Avenue	EW
Speed	40 mph	Margaret Street	Bridge	N. Second Street	East
Speed	40 mph	N. Eighth Street	Coolidge Drive	Past Sacred Hrt. Ce.	NS
Speed	40 mph	Parkway Drive	Velde Drive	Northern City Limit	NS
				Ord. No. 1462-A266	
Speed	45 mph	Broadway Road	Schramm Drive	Veterans Drive	EW
				Ord. No. 1462-A306	
Speed	45 mph	Court Street	Barney Avenue	Veterans Drive	EW
Speed	45 mph	S. Fourteenth Street	VFW Road	Rosemary Street	NS
Speed	45 mph	S. Second Street	Manito Blacktop	Koch Street	NS
Speed	45 mph	VFW Road	S. Fourteenth Street	900' E of S. Fourteenth Street	EW
Speed	45 mph	Veterans Drive	30 mph posted	Allentown Road	NS
			(Ord. No. 1462-A214 had Court to Broadway edit 7-11-11)		
Speed	50 mph	Court Street	Veterans Drive	Eastern City Limit	EW
Speed	50 mph	N. Eighth Street	Past Sacred Hrt. Ce.	Northern City Limit	NS
Speed	50 mph	S. Second Street	Southern City Limit	Manito Blacktop	NS
Speed	55 mph	Ann Eliza Street	Bridge	Levee Road	West
Speed	55 mph	Margaret Street	Levee Road	Bridge	East
Speed	55 mph	Veterans Drive	Allentown Road	Broadway Road	NS
				Ord. No. 1462-A307	

(deleted Ord. No. 1462-A200 10/14/02 on 10/22/07) (deleted 1462-A180 on 11-13-00) (1462-A290-09/10 failed 06/22/09) (deleted Ord. No. 1462-A288 on 06/27/11)

Hanna Drive: Railroad Tracks to S. 5th





REQUEST FOR COUNCIL ACTION

To: Mayor and Council

CC: City Clerk

From: Joseph W. Wuellner, City Manager

AGENDA ITEM: Agreement with Good Energy, L.P. to Provide Energy Services

AGENDA DATE REQUESTED: August 22, 2011

ACTION REQUESTED: Approve agreement with Good Energy, L.P. to provide energy consultancy services to the City for residential and small commercial accounts.

DESCRIPTION: Back in 2008 after the deregulation of the power industry, the City of Pekin was approached by representatives of Good Energy, L.P. to work with them in securing electricity for the City accounts at a reduced rate. They were working with surrounding communities, the park district, and the library to secure power for all entities at a reduced rate to what we all were currently paying. An agreement was reached on this and we have been purchasing our power through them since that time. A study was done a year or so ago to verify that there were in fact savings being realized.

Legislation has been passed now that allows for entire communities, residential and small commercial, to be able to take advantage of bulk purchasing of power at reduced rates. There are many of these agreements in place already and residential customers have seen savings in the power portion of their bills. While the amount varies, the range is 10 to 15%.

In order to set this up, a referendum will need to be done to get residents' approval. This agreement with Good Energy, L.P. will establish them as the consultant to answer questions, provide information on the process, and then broker the deal with potential power providers for the City of Pekin. All of this is being done without cost to the City.

I recommend that this agreement be approved so that Good Energy can start providing information to the residents so they have adequate time to review and analyze the benefits so they can make an informed decision on the referendum.

FINANCIAL IMPACT: None – Good Energy bears the costs

NEIGHBORHOOD CONCERNS: will provide residents with a means to save money

IMPACT IF APPROVED: Good Energy will procure the best price for power for the entire community

IMPACT IF DENIED: Residents will have to choose between the many offers they will start receiving on which is the best deal

ALTERNATIVES: none

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more than 2 boxes. Copy this check mark √ and paste it to the left of the relevant theme.]

	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
	A High Quality of Life. To support or provide services that improves the quality of life for Pekin's residents.
√	An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES

Department Director: N/A

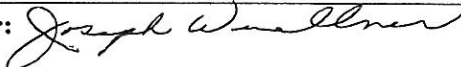
Date:

Finance Department (Certification of Availability of Funds): **No funds required.**

Date:

Corporation Counsel:

Date:

City Manager: 

Date: 8/12/11

SERVICES AGREEMENT

Professional Energy Consulting Services

This Services Agreement ("Agreement") is made and entered into and effective on this 25th day of July, 2011 ("Effective Date") by and between the City of Pekin, Illinois ("Pekin"), an Illinois Municipal Corporation, with offices located at 111 S. Capitol Street, Pekin, Illinois 61611 and **Good Energy, L.P** ("Service Provider"), with an office and principal place of business located at 232 Madison Avenue, Suite 405, New York, NY 10016.

Recitals

WHEREAS, Pekin desires to engage Service Provider to perform electricity consultancy services and procurement for City of Pekin residential and small commercial electric accounts.

WHEREAS, Services Provider desires to perform the Services and desires to be so engaged.

NOW, THEREFORE, in consideration of the foregoing and of the covenants and agreements herein contained, the parties, intending to be legally bound, agree as follows:

Provisions

I. Performance of the Services. Provider shall:

- A. Provide the following services:
 - 1. Electricity Residential opt-out consulting services
 - 2. Marketing services for opt-out electricity aggregation program and associates costs to perform awareness campaign
 - 3. Coordinating efforts with the Illinois Commerce Commission
 - 4. Attending public hearings with the City and other municipal partners
 - 5. Bid creation and execution with multiple electricity suppliers with final selection of an electric supplier being decided by Pekin
 - 6. Negotiating fees for City with winning suppliers
 - 7. After purchase program delivery and on-going daily monitoring,
- B. Give prompt notice to Pekin should the Service Provider observe or otherwise become aware of any fault or deficit in the project or any nonconformance with the electricity sale & purchase agreement.
- C. Remit to Pekin after the termination of this Agreement, all files and documents pertaining to the project that have been obtained or produced including, but not limited to, permits, licenses, applications, codes, drawings, site plans, photographs and similar materials.

II. Obligations of Pekin. Pekin shall:

- A. Assist the Service Provider by placing at its disposal all available information pertinent to the Services for the project.

- B. Use its best efforts to secure release of other data applicable to the project held by others.
- C. Make all necessary provisions to enter upon public and private property as required to perform the Services.
- D. Give prompt notice to the Service Provider should Pekin observe or otherwise become aware of any fault or deficit in the project or any nonconformance with the Agreement.

III. Term and Termination. The Agreement shall commence on the 25th day of July, 2011 and shall terminate on the 31st day of July, 2014, or as otherwise mutually agreed to by Pekin and the Service Provider. Pekin may terminate this Agreement at any time by giving Service Provider thirty (30) days advance written notice. In the event this Agreement is terminated by Pekin prior to its natural expiration, Service Provider shall be paid the term of electricity purchased through the residential small commercial opt-out contract by the current alternative supplier.

IV. Payment.

Pekin agrees that Good Energy fees will be paid by the selected RESA per kWh (volumetrically) for electricity purchased for the duration of the municipal contract.

V. Relationship of the Parties. The parties acknowledge and agree that Service Provider is an independent contractor and is not an agent or employee of Pekin. Nothing in this Agreement shall be construed to create a relationship between Service Provider and Pekin of a partnership, association, or joint venture.

VI. Indemnification.

- A. **Professional Liability.** Relative to any and all claims, losses, damages, liability and cost, the Service Provider agrees to indemnify and save Pekin, its officers, officials, and employees harmless from and against any and all suits, actions or claims for property losses, damages or personal injury claimed to arise from a negligent act, error or omission by the Service Provider or its employees.
- B. **Non-Professional Liability (General Liability).** To the fullest extent permitted by law, the Service Provider shall indemnify, defend and hold harmless Pekin, its officers, officials, employees or any combination thereof, from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of the acts or omissions of the Service Provider, provided that such claim, damage, loss or expenses is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused to in whole or in part by the acts or omissions of the Service Provider, any subconsultant(s) of the Service Provider, its against, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim damage, loss or expense is caused in part by a party indemnified hereunder. Such obligations shall not be construed to negate, abridge, or reduce

other rights or obligations of indemnity which would otherwise exist as to a party or person described in this paragraph.

VII. Insurance.

- A. The Service Provider shall secure and maintain, at his/her/its own expense, errors and omissions insurance in an amount not less than One Million Dollars (\$1,000,000.00) per claim/annual aggregate to protect himself from any claim arising out of the performance of professional services and caused by negligent acts, omissions or negligent acts for which the Service Provider may be legally negligent. The Service Provider shall maintain said coverage for the entire contract period and for a minimum of one year after completion of the work under the contract.
- B. In addition to errors and omissions insurance, the Service Provider shall also secure and maintain, at his/her own expense, insurance for protection from claims under Worker's Compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use resulting therefrom, and any other insurance prescribed by laws, rules, regulations, ordinances, codes or orders.
- C. The Service Provider shall secure and maintain, at his/her own expense, General Liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence.
- D. The Service Provider shall secure and maintain, at his/her/its own expense, Property insurance for protection from claims or damages because of damage to or destruction of property including loss of use resulting therefrom in an amount not less than Five Hundred Thousand Dollars (\$500,000.00). Pekin shall be held harmless for any damage to the Service Provider's property and/or equipment during the course of performance under the Contract.
- E. The above referenced insurance shall be maintained in full force and effect during the life of this Contract and for one year beyond, where specified. Certificates showing that the Service Provider is carrying the above referenced insurance in at least the above specified minimum amounts shall be furnished to, and approved by, Pekin prior to the start of work on the project and before Pekin is obligated to make any payments to the Service Provider for the work performed under the provision of this contract. All such Certificates, with the exception of those for Worker's Compensation and Errors & Omissions coverage, shall clearly reflect that the City of Pekin is an "Additional Insured".

VIII. Right to Audit

- A. Service Provider guarantees that the individuals employed by the Service Provider in any capacity, including but not limited to, employees, subcontractors and independent contractors, are authorized to work in the United States. The Service Provider represents that it has completed the I-9 verification process for all individuals the Service Provider has performing services for Pekin. Pekin maintains the right to audit the Form I-9s for all individuals the Service Provider has performing services for Pekin every six (6) months. Pekin will provide the

Service Provider with five (5) days advanced written notice of its intent to perform a Form I-9 audit. In response to Pekin's audit request, the Service Provider shall provide copies of all Form I-9s and any supporting documentation for all individuals who the Service Provider had performing services for Pekin at any time subsequent to the date upon which Pekin gave notice of the preceding Form I-9 audit.

- B. The Service Provider agrees to indemnify Pekin in accordance with Section VI of the Agreement for any issue arising out of the Service Provider's hiring or retention of any individual who is not authorized to work in the United States.

IX. Taxes.

- A. Service Provider has the following identification number for income tax purposes: **43-2003973**.
- B. Service Provider is subject to and responsible for all applicable federal, state, and local taxes.
- C. Pekin represents that it is a tax-exempt entity and evidence of this tax-exempt status shall be provided to Service Provider upon written request. Service Provider hereby further agrees to withhold all municipal income taxes due or payable under the provisions of the Codified Ordinances of Pekin, Illinois, for wages, salaries and commissions paid to its employees and further agrees that any of its subcontractors shall be required to agree to withhold any such municipal income taxes due under such chapter for Services performed under this Agreement.

- X. **Assignment.** Neither party may assign this Agreement without obtaining express, written consent from the other party prior to assignment.

- XI. **Entire Agreement / Amendment.** This Agreement constitutes the entire understanding of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings and agreements between the parties. This Agreement may be amended or modified only by a writing executed by the duly authorized officers of the parties hereto. It is understood and agreed that this Agreement may not be changed, modified, or altered except by an instrument, in writing, signed by both parties in accordance with the laws of the State of Illinois.

XII. Discrimination.

- A. No discrimination for reason of race, religion, sex, age or country of national origin shall be permitted or authorized by Pekin and/or Service Provider in connection with the Services.
- B. Nothing in this Agreement shall require the commission of any act contrary to any law or any rules or regulations of any union, guild, or similar body having jurisdiction over the Services of Service Provider.

- XIII. **Governing Law/Venue.** Any controversy or claim, whether based upon contract, statute, tort, fraud, misrepresentation or other legal theory, related directly or indirectly to this Agreement,

whether between the parties, or of any of the parties' employees, agents or affiliated businesses, will be resolved under the laws of the State of Illinois, in any court of competent jurisdiction in Franklin County, Illinois.

- XIV. Severability.** If any provision of this Agreement is held invalid or unenforceable, such provision shall be deemed deleted from this Agreement and shall be replaced by a valid, mutually agreeable and enforceable provision which so far as possible achieves the same objectives as the severed provision was intended to achieve, and the remaining provisions of this Agreement shall continue in full force and effect.
- XV. Paragraph Headings.** Paragraph headings are inserted in this Agreement for convenience only and are not to be used in interpreting this Agreement.

[signatures appear on following page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the _____ day of _____, 2011.

CITY OF PEKIN, ILLINOIS

BY: _____
Joseph Wuellner, City Manager

SERVICE PROVIDER

BY: _____
ITS: _____

Approved as to Form:

, Law Director



REQUEST FOR COUNCIL ACTION

To: Mayor and Council

CC: City Clerk

From: Joseph W. Wuellner, City Manager

AGENDA ITEM: Amendment to Agreement with Bitwise Communications, Inc.

AGENDA DATE REQUESTED: August 22, 2011

ACTION REQUESTED: Approve the amendment to the agreement with Bitwise Communications, Inc. to include iTV-3 as one of the entities doing business for them in the City of Pekin.

DESCRIPTION: In October of 2009, the City of Pekin and Bitwise Communications, Inc. entered into an agreement allowing them to operate and provide telecommunication and internet services within the city limits. At that time, the entity listed as doing this business was Omnilec. They now have another entity doing business called iTV-3 and this amendment adds them to the existing agreement.

I recommend that the amendment be approved.

FINANCIAL IMPACT: None

NEIGHBORHOOD CONCERNS: None

IMPACT IF APPROVED: Agreement reflects all entities doing business within the city for Bitwise Communication, Inc.

IMPACT IF DENIED: iTV-3 would not be included as one of the entities doing business.

ALTERNATIVES: None

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: [check no more than 2 boxes. Copy this check mark ✓ and paste it to the left of the relevant theme.]

	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
	A High Quality of Life. To support or provide services that improves the quality of life for Pekin's residents.
✓	An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES
Department Director: N/A Date:
Finance Department (Certification of Availability of Funds): Date: Not Required
Corporation Counsel: Date:
City Manager: Joseph W. Hallman Date: 8/12/11

FRANCHISE AGREEMENT
AMENDMENT

This Amendment to the Franchise Agreement (this "Agreement") is dated as of August 22, 2011 by and between the City of Pekin, Illinois (the "City") and Bitwise Communications, Inc. DBA OmniLEC (the "Company"). The City and the Company are referred to herein individually as a Party and together as the Parties.

WHEREAS, the Company is proposing to add an additional DBA to the existing agreement to operate a cable communications system (the "Business") in the City; and

WHEREAS, the City has, by the adoption of an ordinance effective November 1, 2009 (the "Ordinance"), to authorize the Company to operate its Business in the City, pursuant to the Ordinance; and

WHEREAS, the State of Illinois has delegated to the City the authority to grant a franchise the "Franchise") for businesses like the Business within the City's territorial boundaries, and pursuant to the Ordinance, the City hereby exercises its authority to grant a non-exclusive franchise permitting the operation of the Business within the City.

NOW, THEREFORE, in consideration of the representations, warranties, premises and covenants contained in this Agreement, the Parties agree to add iTV-3 as a DBA.

IN WITNESS WHEREOF, this Amendment to the Original Agreement has been duly executed by the Parties as of the date indicated above.

BitWise Communications, Inc.,
DBA OmniLEC & iTV-3

By: LD

Name: Levi Dinkla

Its: Vice President

City of Pekin

By: _____

Name: _____

Its: _____

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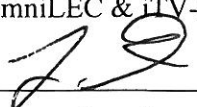
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BitWise Communications, Inc.,

DBA OmniLEC & iTV-3

By: 

Name: Levi Dinkla

Its: Vice President

City of Pekin

By: _____

Name: _____

Its: _____