

WELCOME TO A MEETING OF THE PEKIN CITY COUNCIL

All persons present are asked to conduct themselves in a polite, respectful and professional manner.

All meetings of the city council of the City of Pekin are a deliberative and legislative assemblage and not a public forum. The purpose of these meetings is to conduct city business. The city council considers both oral and written communications in making and establishing policies.

All city residents, property owners, business members and other interested parties are invited to address the council at the designated time (public input) for a period of 5 (five) minutes. All questions shall be directed to the council as a whole and not to individual members. It is strongly encouraged that all questions shall first be directed to the appropriate personnel at the city municipal building or other city office before bringing them to the city council.

Because all meetings of the Pekin City Council are a matter of public record, each speaker, when recognized by the mayor or his designee, shall give their full name.

Council members may appropriately interrupt a speaker to ask questions necessary to clarify the speaker's comments. In most cases, the council will not answer questions from the public at the council meeting, but will respond to the individual in due time. All questions requiring a researched answer shall be submitted in writing and turned into the city clerk. Please provide your name and contact information so that we can get back to you in a timely manner. The council cannot address questions involving litigation, possible litigation or employee matters.

Any charges or complaints against individual employees of the City of Pekin shall be presented to the city manager in writing with specific information, and shall be signed by the person or persons lodging the charges or complaints. Pursuant to the Illinois Privacy Act, no person shall be permitted to present orally or discuss at any open meeting, charges against any city employee.

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REGULAR COUNCIL MEETING TUESDAY, MAY 26, 2015
5:30 P.M.

	1	2
1.0 CALL TO ORDER		
2.0 PLEDGE OF ALLEGIANCE <i>Scout Troop #65</i>		
3.0 ROLL CALL <i>Clerk to Call the Roll</i>		
4.0 APPROVAL OF AGENDA <i>ACTION: Motion to approve the meeting agenda.</i> <i>VOTE REQUIRED</i>		
5.0 APPROVAL OF MINUTES <i>ACTION: Motion to approve minutes of the Regular Council Meeting May 11, 2015.</i> <i>VOTE REQUIRED</i>		
6.0 PUBLIC INPUT <i>Speakers to state name. Speakers may address the Council on any topic.</i>		
7.0 CONSENT AGENDA		
7.1 Receive and File Monthly Reports: Traffic Safety Committee Minutes dated May 1, 2015.		
7.2 Resolution No. 4-15/16 – Mayor's Appointments to Economic Development Committee and Electrical Commission.		
7.3 Receive and File: Zoning Board of Appeals Minutes dated May 13, 2015.		
7.4 Receive and File: Resignation of Barry McGinnis from the Zoning Board of Appeals.		
<i>ACTION: Motion to approve all items listed on the Consent Agenda by Omnibus Vote.</i> <i>VOTE REQUIRED TO APPROVE CONSENT AGENDA</i>		
8.0 COMMUNICATIONS, PETITIONS, REPORTS		
8.1 Presentation: Police Officer of the Year Courtney A. Hutchinson and Firefighter of the Year Michael Shane Gardner		
8.2 Carl Adams Book Award William Maddox		
9.0 UNFINISHED BUSINESS		

9.1 Receive and File Monthly Reports and Minutes: Annual Police Pension Fund's Municipal Compliance Report, Liquor Commission draft Minutes April 23, 2015 and Tazewell County animal Control April 2015 DESCRIPTION: Request of Council Member Golden to remove Consent Agenda item 6.1 Presented at the meeting of May 11, 2015 and to place on the next agenda for discussion. ACTION: Motion to receive and file the monthly reports and minutes. VOTE REQUIRED	TG	5
10. NEW BUSINESS		
10.1 Resolution No. 5-15/16 – The Mayor's appointment with consent of Council to fill the vacancy due to the resignation of Council Member John McCabe pursuant to statutory requirements 65 ILCS 5/5-212 (g.) and the City of Pekin Code 1-5-1. DESCRIPTION: Appointment completes the obligation to fill the vacancy of the 7 member Council within 60 days of a resignation. ACTION: Motion to adopt the resolution. VOTE REQUIRED	MM	5
OATH OF OFFICE COUNCIL MEMBER RUSTY L. DUNN		
10.2 Ordinance No. 1462-341-15/16 – Amending the Traffic Code of the City of Pekin 1995 Regarding No Parking DESCRIPTION: Recommendation of the Traffic Safety Committee to restrict parking on the north side of Starceovich Court. ACTION: Motion to adopt the ordinance. VOTE REQUIRED	DG	2
10.3 Change Order Wastewater Treatment Plant 2A DESCRIPTION: Change Order #8 for the credit of \$4,216.00. ACTION: Motion to approve the amendment. VOTE REQUIRED	MG	3
10.4 Change Order Wastewater Treatment Plant 2B DESCRIPTION: Change Order # 7 in the amount of \$276.00. ACTION: Motion to approve the amendment. VOTE REQUIRED	MG	3
10.5 Pekin Housing Authority Rehabilitation Consulting Contract DESCRIPTION: Terms and conditions of the renewal contract for the CDBG Rehab Coordinator position with the Housing Authority. ACTION: Motion to approve the contract in the amount of \$2,708.34 a month from May 1, 2015 – April 30, 2016. VOTE REQUIRED	PA	5

11.0 ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL			
#	10.1 Staff		
	10.2 Council		
	10.3 Press Time		
12.0 EXECUTIVE SESSION			
65 ILCS 120/2 (c) 11. Litigation			
13.0 ADJOURN			
No Vote Required			

Column 1 Key:

DG Darin Girdler City Manager
MM Mayor John McCabe

MG Michael Guerra City Engineer
PA Pamela Anderson Community Development Coordinator

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, MAY 11, 2015, AT 5:30 O'CLOCK P.M.
LAURIE L. BARRA * MAYOR * PRESIDING**

**PRESENT: COUNCIL MEMBERS, ABEL, MCCABE, HENDRICKS, ORRICK, GOLDEN,
GILLESPIE AND BARRA**

ABSENT: NONE

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

Roll was called. All members were physically present. A quorum was present.

AGENDA

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

MINUTES

Motion by Council Member Gillespie, seconded by Council Member Abel, that the **minutes of the Regular City Council Meeting of April 27, 2015 be approved as written**. Council Member Golden stated he would like to make a motion to not approve the minutes because they didn't contain his comments about the sober server and video surveillance ordinances and also he voted no for the site plan. Mayor Barra confirmed with Council Member Golden that he needed a correction to the site plan vote. Mayor stated there was already a motion on the floor to approve the minutes. On roll call vote, Ayes, Abel, McCabe, Hendricks, Orrick, Gillespie and Barra; Nay, Golden. Motion Carried.

(clerk note: The recordings of the April 27, 2015 meeting vote tallies were investigated and the conclusion was that the minutes were proper as prepared.)

PUBLIC INPUT

Ann Witzig presented comments in reference to property maintenance violation/citation documents for 304 Sheridan Road obtained through a Freedom of Information Request. She asked the Council what it would take for Bob Bramham's property to be inspected/condemned. She felt the Airport's budget in arrears was a great injustice to the taxpayers. She asked that City properties take priority over issuing violations for weeds to residents.

Bob Bramham addressed the Council and presented his comparison of the users of the airport as a hoppy to requesting that the City raise taxes to build an RV Park in order for him to park free as a camping hobbyist. He hoped that the new administration explained information more in depth with better communications.

Sally Johnson expressed her opinion of the recent elections and thanked the few concerned citizens that attend the Council meetings. She advised the new Council that the people would be watching their actions. She voiced her opinion that the Mayor lacked communication with the citizens and looked forward to the new Council. In referring to a newspaper article in which it was noted 147 students in District 108 were homeless, she told Council member Abel that even \$.40 a day for garbage collection was difficult.

Barb Strand stated she was present to thank this Council. She knew voting for garbage fees and treatment plant expenses were not easy. She expressed her appreciation for the Council's service. She told the members she was proud to be from Pekin.

COMMUNICATIONS, PETITION, REPORTS

Shannon Sandoval, representing the YWCA Board, presented the organization's first Impact Award to Laurie Barra for her 30 years of service to the citizens of Pekin. Mrs. Sandoval stated the directors voted to create a new award for the YWCA annual honors with the purpose of recognizing a woman in the community who had a great and lasting impact in the empowerment of women. In describing Laurie Barra she spoke of her as setting the bar high, her love of Pekin, and her quiet but hard working service to the community as Pekin Park Board President, a member of the Council and the City of Pekin's first female mayor. Mayor Barra expressed her graciousness in accepting the award.

On behalf of the entire Staff City Manager Darin Girdler thanked Mayor Barra for her leadership and guidance through the 4 years.

NEW BUSINESS

Motion by Council Member Abel, seconded by Council Member Hendricks that the **RESIGNATION OF COUNCIL MEMBER JOHN MCCABE**, be accepted and approved. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Out going Council Members made departing statements. Council Members spoke of the honor and privilege of serving on the Council, wished the newly elected members well, expressed appreciation to the residents for allowing them to serve, and thanked their families for support and allowing them to dedicate time to the City of Pekin. Special words of tribute were given the Mayor and appreciation expressed to the Staff.

No further business to come before the Council, motion by Mayor Barra, seconded by Council Member Hendricks that the meeting adjourned Sine Die. On roll call vote, all present voted Aye.

COUNCIL ADJOURNED AT 6:00 P.M.

Sue E. McMillan
City Clerk

OATH OF OFFICE

The Oath of Office for new Council Members was administered by City Clerk Sue E. McMillan to Michael S. Ritchason, Mark A. Luft, John P. Abel and John H. McCabe for four year terms.

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, MAY 11, 2015, AT 6:10 O'CLOCK P.M.

JOHN H. MCCABE * MAYOR * PRESIDING

**PRESENT: COUNCIL MEMBERS, ABEL, GOLDEN, ORRICK, LUFT, RITCHASON AND
MCCABE**

ABSENT: NONE

The **Pledge of Allegiance** was led by children and grand children of newly elected Council Members Mark A. Luft, Michael S. Ritchason, and Mayor John H. McCabe.

Roll was called. All members were physically present. A quorum was present.

AGENDA

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

PUBLIC INPUT

Ann Witzig addressed the Council with questions concerning item 6.1 of the Consent Agenda to Receive and File Reports and Minutes. In reference to the Annual Police Pension Fund's Municipal Compliance Report she asked for a definition of actuary. She questioned if the company was hired to complete the report because the fund was seriously under funded. She questioned if the Council could disclose the cost of the actuary. City Manager Darin Girdler gave a general description of an actuary and the Council was informed the Municipal Compliance Report was required by State Statute to be submitted to the City by the Police Pension Board to provide the Pension Fund's official levy request.

Sally Johnson congratulated the new Council and asked that they listen, work, provide answers to the people and not rush through voting. She told the Council the people cannot afford fees and fines. The people have the right to speak.

Frank Mackaman thanked the outgoing Council Members for their service to the community and welcomed the new members with words spoken by Everett Dirksen who served as a Pekin City Council Commissioner 90 years ago. He began the quote by reading "any answer to the problems of generating the best kind of local government begins with a deep sense of pride in the community"

Robin Garlish addressed the Council regarding The Central Illinois Healthy Community Alliance (CIHCA), individuals and organizations committed to an environmentally healthy community.

CONSENT AGENDA

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

6.1 Receive and File Monthly Reports and Minutes: Annual Police Pension Fund's Municipal Compliance Report, Liquor Commission draft Minutes April 23, 2015, and Tazewell County Animal Control April 2015.
6.2 Resolution No. 1- 15/16 – Mayor's Appointments of Council Member Orrick as Mayor Pro Tem and Council Member Abel as Alternate Mayor Pro Tem
6.3 Resolution No. 2-15/16 – Annual Appointments - Committee, Boards, Commissions, Offices
6.4 Resolution No. 3-15/16 – Mayor, as Liquor Commissioner, appointment of Sergeant Rick Von Rohr as Deputy Liquor Commissioner

Without objection from the Council the Mayor allowed the request of Council Member Golden to remove item 6.1 and to place on the next Council Meeting agenda for business to enable the new Council to be more fully apprised. The clerk was directed to continue the roll and on roll call vote all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Staff welcomed the new Council. Deputy Police Chief Kaminski announced National Law Enforcement Week and thanked the officers that serve this city.

Council Member Golden asked that it be added to this set of meeting minutes what he said at the previous meeting regarding the video surveillance. He indicated none of his comments were included in the previously approved minutes

Laughable that City wants to ask specific group of business owners to provide fully functioning video cameras when we don't do it here. Excuses have been given as to why, wondered how that would play under this ordinance. Don't see why bar owners are singled out. Don't see how there is that much of a danger to the public. I don't feel threatened. If there are specific bars with problems you should know that and not go there. Like to see data as to how often that occurs. Don't see end to requiring cameras in residents to make investigations of domestic dispute with conflicting stories easier. Don't think it fair to signal out bar owners. Far greater threat to public is use of handheld mobile phones while driving. Ask for data on number of tickets written and received on 1 monthly report. Think it should. Think it should be enforced. Useful to Council to have detail of bar fights and cell phone violations when voting to consider how much of a problem it is to the public. Think incumbent on the actually owners of the business to police their own employees not our police.

Council Member Ritchason thanked the voters and family for the support through the election. He stated the honor of being on the Council was a job he would not take lightly.

Council Member Orrick requested from the Manager an airport report of landing/take-off fees, courtesy van, hangar rentals to try to offset the losses. He suggested the airport be supported with user fees such as the Park District incorporates. Council Member Orrick also noted he was waiting for a report from the City Engineer regarding maintenance of Court Street and the liability of the City for the work.

Council Member Luft thanked the voters for their support, his family and gave special recognition to his father in the audience, Senator Luft.

Mayor McCabe also thanked his wife for her support. He gave examples of the kind of community Pekin was to live in and to be proud of to call home: Elks dinner for recognition of Firefighter and police officer of the year award, the YWCA recognition of women and 8th grade female students.

No further business to come before the Council, motion by Council Member Orrick seconded by Council Member Abel to adjourn. Unanimously approved by voice vote. Mayor McCabe adjourned the meeting.

COUNCIL ADJOURNED AT 6:40 P.M.

Sue E. McMillan
City Clerk

CITY OF PEKIN TRAFFIC SAFETY COMMITTEE MINUTES
May 1, 2015 @ 8:30 a.m.
CITY HALL CONFERENCE ROOM

PRESENT: Darin Girdler, Kurt Nelson, Jim Kaminski, Mike Guerra, Bob Shaw, Will Taylor.
Also present: Bill Scarcliff, Lee Ann Wrhel.

The meeting was called to order at 8:30 a.m.

Motion by Kurt Nelson to approve the agenda, seconded by Mike Guerra. All in favor.

Motion by Kurt Nelson to approve the April 3, 2015 meeting minutes, seconded by Will Taylor.
All in favor.

Old Business:

1. Follow Up – Parking Concern – 1531 S. Fifth St.

The committee received a request asking about the status of this item. After discussion, it was the consensus of the committee that at this time, the no parking on Koch St. in this location will remain as is. If the traffic pattern in this location changes in the future, it could be revisited.

2. Stop Sign Requests – S. 13th St. from Park Ave. to Derby St.

This item was reviewed after the SpeedSpy collected data and Ptm. Will Taylor monitored the area for enforcement. It was noted the traffic volume in this area is low and the monitoring by the police produced no speeding violations. Based on the information provided, Kurt made a motion to leave the area as is. Jim seconded the motion. All in favor.

3. Audible Crosswalk Signal Lights – 14th St. & Court St. and 14th St. & Broadway Rd.

Mike is working on this issue and reported that he has contacted IDOT regarding the intersection of 14th and Court and they are reviewing that intersection. This is an ongoing project at this time.

New Business:

1. "No Parking" request South Side of Starceovich Ct.

Tom Stedman, #5 Starceovich Ct., (258-7101) made this request. He is concerned about being able to get down the street when vehicles are parked on both sides. It was noted that this is a narrow street and when vehicles are parked on it, the garbage and recycle trucks are unable to do their routes there. Bob made a motion to make a recommendation to city council to restrict parking on the north side of Starceovich Ct. The motion was seconded by Bill. All in favor.

2. "No Skateboarding" sign request 600 Blk. S. 10th St.

Jim Durham, 604 S. 10th St., (241-6320) has requested an additional "No Skateboarding" sign in front of his house. After discussion of this item, it was the consensus of the committee to leave this area as is.

3. Speeding Concern – Willow St.

Martha Woelfle, 2432 Willow St., (347-4773) contacted the committee seeking help with speeding and vehicles not stopping at the stop sign at Willow and Spruce. After discussion of this item, it was decided to place the SpeedSpy in this location for traffic data. This will be done and this will be an agenda item for the next meeting.

Around the Table

Jim was approached by Pekin Hospital asking about more visibility of the crosswalk on Park Ave. due to the work being done on the 14th St. entrance. It was noted that the crosswalk signs currently in place on Park Ave. belong to the hospital. Any increase in visibility is the responsibility of the hospital.

Kurt indicated that the crumbling median at Court and Valle Vista needs to be cleaned up. Bob indicated that the street department will get it cleaned up.

Kurt reported that the alley behind the 300 Block of Court Street is going to be blocked so that no one gets hurt. There is a building there with the back of it deteriorating.

Bob reminded everyone that "Spruce Up Pekin" is tomorrow from 7:00 a.m. to 2:00 p.m. There are three locations for drop off.

Mike stated that VFW Road will have various closures throughout the summer. The final alignment of Mall Road is going to be done. Veteran's Drive near Menards will be milled and overlaid. Traffic will remain open during that work.

Respectfully Submitted,
Lee Ann Wrhel

NEXT REGULAR MEETING JUNE 5, 2015 @ 8:30 A.M.

RESOLUTION NO. 4-15/16

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS that the following named persons be and they are hereby appointed to the respective offices and for a term set opposite their names.

ECONOMIC DEVELOPMENT	Danielle Owens	to fill the unexpired term of Paula Davis until the first Monday in May, 2018
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	Laurie L. Barra	to fill the unexpired term of Frank Mackaman until the first Monday in May, 2017
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ELECTRICAL COMMISSION
General Contractor

Marvin Spiczka	to fill the unexpired term of Ed Ghelardini until the first Monday in May 2016
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PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this 26th of May 2015.

Mayor John McCabe

ATTEST:

City Clerk Sue E. McMillan

Pekin Zoning Board of Appeals

May 13, 2015

Present:

Mary Lanane
John Kennedy, Chairman
Kim Joesting
Greg Henderson

Absent:

Barry McGinnis, Vice Chairman
Brandon Dentino
Bob Barra

Staff Present: Ron Sieh and Attorney, Scott Kriegsman

John Kennedy, Chairman led the pledge of allegiance.

John Kennedy, Chairman called the regular meeting of the Zoning Board of Appeals to order.

Roll call was taken and a quorum declared.

John Kennedy, Chairman asked for approval of the Agenda.

MOTION by Greg Henderson seconded by Kim Joesting to approve the Agenda as presented. On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

John Kennedy, Chairman asked for Approval of the February 11, 2015 Meeting Minutes as presented.

MOTION by Mary Lanane seconded by Greg Henderson to approve the Minutes as presented. On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

Correspondence: 28 (Twenty-Eight) Letters were mailed regarding Hearing #1. 23 (Twenty-Three) Letters were mailed regarding Hearing #2. No Correspondence.

Hearing #1:

To allow Baylee Gambetti, Owner a variance to add a 6 x 10 Wooden Deck to the front of her home which will be closer to the front of the property than allowed as stated in the current Zoning Code for R-4 (Single Family Residential) with a Legal Description as Northside Village Subd Sec 1 Lot 24 located at 1107 Truman Drive.

Refer to Pekin Zoning Ordinance; Section 9-12-1-2 Board of Appeals, B. Jurisdiction 3. Variance. (9-12-1-2-B-3) and Section 9-9-1 Schedule of Regs, R-4 use District.

Terri Gambetti was present and stated Baylee's case.

MOTION by Mary Lanane seconded by Kim Joesting to Approve the request for a 6 x 10 Wooden Deck to be put on the front of her home showing the hardship being the Shape of the Lot in a Cul-De-Sac. On roll call vote, 3 (Three) present voted **AYE**. 1 (One) John Kennedy **ABSTAINED**. **MOTION APPROVED**.

Hearing #2:

To allow Amanda & Jeremy Crouch, Owners a variance to place a 6' Vinyl Privacy Fence in the front yard which is currently not allowed as stated in the current Zoning Code for R-2 (Single Family Residential) with a Legal Description as Sec 36 T25N R5W Lick Creek Manor Sub Ext 2 Lot 26 located at 26 Ashwood Lane.

Refer to Pekin Zoning Ordinance; Section 9-12-1-2 Board of Appeals, B. Jurisdiction 3. Variance. (9-12-1-2-B-3) and Section 9-9-1 Schedule of Regs, R-2 use District.

Jeremy Crouch was present and stated his case.

MOTION by Greg Henderson seconded by Kim Joesting to Approve the request for a 6' Vinyl Privacy Fence to be allowed in the front yard with the hardship being the location of the Lot. On roll call vote, 3(Three) present voted **AYE**. 1(One) John Kennedy **ABSTAINED**. **MOTION APPROVED**.

John Kennedy, Chairman asked for a motion to Adjourn the meeting.

MOTION by Mary Lanane seconded by Greg Henderson to **ADJOURN** the meeting. On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

Meeting Adjourned at 5:12PM

Juanita VanBuskirk, Secretary
Zoning Board of Appeals

McMillan, Sue

From: Barry McGINNIS <barrymcginnis18@yahoo.com>
Sent: Wednesday, May 13, 2015 4:58 PM
To: McMillan, Sue
Subject: Pekin City Zoning

Sue,
Please accept this mail as a notice that I wish to tenure my resignation form the Pekin Zoning Board of Appeals. While I've come to enjoy my time serving this great community and working with the board; my wife and I will be relocating out of state soon to begin another journey of our life. It has been my pleasure to be a part of the City Govt. and I hope to use the experience I've gained for future work elsewhere. Again, I want to thank all whom I've worked with and wish them all the best as well as the community. I may be moving away, but Pekin will always be home.

Barry McGinnis

Buy the book on Amazon!

NANCE - THE FIRST SLAVE FREED BY ABRAHAM LINCOLN

HOME

ABOUT NANCE

ABOUT THE AUTHOR

CONTACT



EVERY AMERICAN KNOWS LINCOLN FREED THE SLAVES.

But did you know that before he freed **all** the slaves, he freed just **one** slave?

Her name was Nance, and this children's book is the story of that brave girl who sued for her freedom, and won.

Based on decades of painstaking research into court records, this book is the true story of the three Supreme Court trials of the first slave freed by a then-young lawyer, Abraham Lincoln, in Illinois in 1841.

In 2009, the Editor of the Illinois History Journal called this body of research "the only story of Lincoln that is really new." Nance actively tried to free herself through legal means on several occasions, but it was only when she and Lincoln worked together that they both won. Her struggles began as a when she was just a girl, and lasted over 15 years.



Copyright 2014 Carl Adams.

Buy the book on Amazon!

x

NANCE - THE FIRST SLAVE FREED BY ABRAHAM LINCOLN

HOME

ABOUT NANCE

ABOUT THE AUTHOR

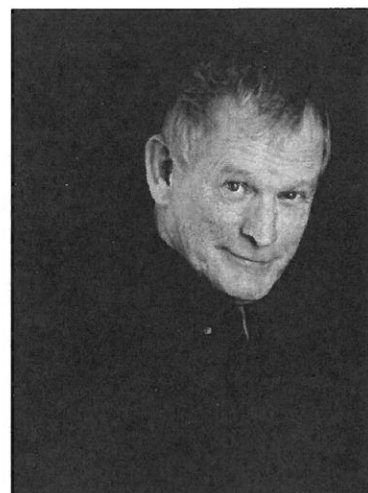
CONTACT

Carl Michael Adams was born and raised in Alton, Illinois, and has been a lifelong Lincoln scholar. Carl Adams grew up near the permanent monument to abolitionist publisher Elisha Parish Lovejoy, who was killed by a mob during an antiabolition riot in his hometown.

Carl earned a bachelor's degree in broadcast journalism from Southern Illinois University at Edwardsville in 1979. He worked for more than

In the 1970s and 1980s, Carl lectured as a military training officer for both the marines and the army in the art and sciences of communications, including lessons of military history.

In his project, "Trials of Nance," Adams had to dig deep into Lincoln and Illinois history to recover the story of the first slave freed by Abraham Lincoln, a story that for over a hundred years was lost to history.



twenty years on Public
Radio documentaries and
network television news
and is now semiretired.



Copyright 2014 Carl Adams.

[Buy the book on Amazon!](#)

x

NANCE - THE FIRST SLAVE FREED BY ABRAHAM LINCOLN

[HOME](#)[ABOUT NANCE](#)[ABOUT THE AUTHOR](#)[CONTACT](#)

Who was Nance Legins-Costley?

Outside of official court filings, genealogy, and some (rare) contemporary journalism, we know sadly little about this woman who represents such an important part of Illinois history, and Lincoln's early stance on slavery.

However, her personal details, while interesting, pale in comparison to her determination and persistence in fighting for her freedom - starting when she was just 13 years old.

To the people of Illinois at the time, this would have been shocking not just because of her age or gender, but also because in most states then, slaves wouldn't even have been allowed to do what she did.

Nance needs to be remembered and celebrated as the early feminist hero she truly was. It is the author's hope that putting Nance's story into a format suitable for young adults will help it reach the widest



Nance Legins-Costley (artist's rendering)

possible audience.

More about Nance Legins-Costley, and Nance: Trials of the First Slave Freed by Abraham Lincoln.

- Timeline of events that shaped Nance's case, and slavery in Illinois.
- Nance Genealogy.
- Rare contemporary mention of Nance.
- Sample content from Nance: Trials of the First Slave Freed by Abraham Lincoln.
- Contemporary opinions of Lincoln and the case that won Nance her freedom.
- Journal of the Illinois State Historical Society article by the author.
- Abraham Lincoln Association article by the author.



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May 01, 2015 9:30PM

Print Page

From the History Room @ The Pekin Public Library: Trials of the first slave freed by Lincoln

A new book about a little known episode and an all-but-forgotten individual in Pekin's history was one of the publications honored at the 2015 annual awards luncheon of the Illinois State Historical Society held Saturday, April 25, at the Old State Capitol in Springfield.

The book, "Nance: Trials of the First Slave Freed by Abraham Lincoln — A True Story of Nance Legins-Costley," was written by local historian Carl M. Adams and illustrated by Lani Johnson of Honolulu, Hawaii. Adams, formerly of Pekin, now resides in Stuttgart, Germany, and was unable to attend the awards banquet in Springfield, so he asked his friend Bill Maddox, a retired Pekin police officer and former city councilman, to receive the award on his behalf. Maddox is one of Adams' collaborators and over the years has helped Adams in organizing his research.

Adams has previously published two papers on the same subject: "The First Slave Freed by Abraham Lincoln: A Biographical Sketch of Nance Legins (Cox-Cromwell) Costley (circa 1813-1873)," which appeared in the Autumn 1999 issue of "For the People," newsletter of the Abraham Lincoln Association; and, "Lincoln's First Freed Slave: A Review of Bailey v. Cromwell, 1841," which appeared in The Journal of the Illinois State Historical Society, vol. 101, no. 3/4, Fall-Winter 2008.

In contrast to those papers, however, Adams' 87-page book "Nance" distills the fruit of his many years of historical research, presenting Nance's story in the form of a biography suitable for a middle-school audience and ideal for a junior high or middle school classroom.

Though Nance's story is little known today, during and after her own lifetime her struggles to secure her freedom were well known in Pekin and elsewhere, and Nance herself came to be a well regarded member of the community. As this column has previously discussed (Pekin Daily Times, Feb. 11, 2012), Nance obtained her freedom as a result of the Illinois Supreme Court case Bailey v. Cromwell, which Abraham Lincoln argued before Justice Sidney Breese on July 23, 1841. It was the culmination of Nance's third attempt in Illinois courts to secure her liberty, and it resulted in a declaration that she was a free person because documentation had never been supplied proving her to have been a slave. Breese's ruling is also significant in Illinois history for definitively settling that Illinois was a free state where slavery was illegal.

Another significant aspect of this case is indicated in an 1881 quote from Congressman Isaac Arnold that Adams includes in his book. Arnold wrote, "This was probably the first time he [Lincoln] gave to these grave questions [on slavery] so full and elaborate an investigation ... it is not improbable that the study of this case deepened and developed the antislavery convictions of his just and generous mind."

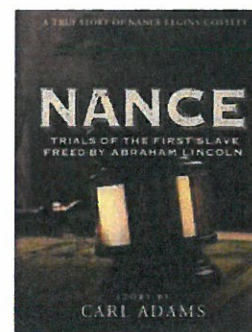
Pekin's pioneer historian William H. Bates was also opposed to slavery and deeply admired Lincoln. In addition, Bates knew Nance Legins-Costley, and, five years after Lincoln's assassination, Bates made sure to include her in his first published history of Pekin, the historical sketch that Bates wrote and included in the 1870-71 Sellers & Bates Pekin City Directory, page 10. There we find this paragraph with the heading, "A Relic of a Past Age":

"With the arrival of Maj. Cromwell, the head of the company that afterwards purchased the land upon which Pekin is built, came a slave. That slave still lives in Pekin and is now known, as she has been known for nearly half a century, by the citizens of Pekin, as 'Black Nancy.' She came here a chattle (sic), with 'no rights that a white man was bound to respect.' For more than forty years she has been known here as a 'negro' upon whom there was no discount, and her presence and services have been indispensable (sic) on many a select occasion. But she has outlived the era of barbarism, and now, in her still vigorous old age, she sees her race disenthralled; the chains that bound them forever broken, their equality before the law everywhere recognized and her own children enjoying the elective franchise. A chapter in the history of a slave and in the progress of a nation."

Remarkably, Bates doesn't mention how Nance obtained her freedom, nor does he mention Lincoln's role in her story. He doesn't even tell us her surname. Those details then would have been well-known to his readers. Later, her case would get a passing mention in the 1949 Pekin Centenary, while the 1974 Pekin Sesquicentennial would provide a more extended treatment of the case. But in none of the standard publications on Pekin history is personal information on Nance included.

"What I did figure out," Adams said in an email this week, "was that all the stories of Nance were positive up until the race riots in Chicago in 1918-1919 followed by a rebirth of the Klan in Illinois, and stories of Nance and her family disappeared, before the age of radio and TV."

Since she had been forgotten and scant information was available in the standard reference works on Pekin's history, Adams had to dig into old census records, court files, coroner's reports and newspaper articles to reconstruct the story of Nance's life and the genealogy of her family. He learned that Nance was



PHOTO/ PHOTO PROVIDED

Shown is the cover of Carl Adams' book "Nance: Trials of the First Slave Freed by Abraham Lincoln — A True Story of Nance Legins-Costley." The book received an award at the annual awards luncheon of the Illinois State Historical Society last Saturday at the Old State Capitol in Springfield.

born about 1813, the daughter of African-American slaves named Randol and Anachy Legins, and that she married another African-American named Benjamin Costley, with whom she had five daughters and three sons, Amanda, Elisa Jane, William Henry, Mary, Leander "Dote," Harriet, Eliza Ann and James Willis. The 1870-71 Pekin City Directory shows "Costley Benj., (colored)" residing at the southwest corner of Amanda and Somerset in the northwest corner of Pekin. Interestingly, Ben and Nance's log cabin was adjacent to the old 40-acre Bailey Estate, the farm of Nance's last owner, David Bailey, one of the principals of the 1841 case in which Nance won her freedom.

In his email, Adams explains the challenge of "writing about the first slave freed by Lincoln, when no one even knows her last name. OK. How does one do that? Genealogy. It is close to impossible to trace the genealogy of a slave. Now what? Trace the genealogy of the people who claimed to own her soul. It took six genealogies minimum to figure out where Nance was and when back to the time of her birth. I did what Woodward and Bernstein did with 'All the President's Men' — follow the money and the paper trail that followed the money, that's how."

Telling of how he became interested in Nance's story and how he eventually came to write his book, Adams said, "In 1994 my wife was diagnosed with cancer. I was unemployed, and in debt and depressed because of all this. To distract my self-pity, I took an interest in Nance and slavery — who could be worse off than they? I tried freelance writing, but in Greater Peoria, I couldn't make a living at it. So research on a totally new story about A. Lincoln had to be a part-time, part-time, part-time 'hobby,' as my wife called it. That is why it took so long: five years of research packed into a 15-year period."

"Nance deserves her place in history because of what she did, not what the others did," Adams said. "At the auction on July 12, 1827, she just said 'No.' By indentured servitude law, the indenture was supposed to 'voluntarily' agree to a contract to serve. When Nathan Cromwell asked if she would agree to serve him she just said 'no,' which led to a long list of consequences and further legal issues in court."

"What makes her historically important was when she managed to get to the (Illinois) Supreme Court twice. ... Then I discovered with primary source material that Nance had actually made it to the Supreme Court three times. The third time was never published nor handed down as a court opinion when the judge found out she was a minor just before age 14. This was truly phenomenal, unprecedented and fantastic for that period of history."

As Ida Tarbell said of Nance in 1902, "She had declared herself to be free."

Adams' book may be previewed and purchased through the website www.nancebook.com or on Amazon.com.

— From the Local History Room of the Pekin Public Library

<http://www.pekintimes.com/article/20150501/NEWS/150509985>

Print Page



**LIQUOR COMMISSION MINUTES
THURSDAY, APRIL 23, 2015 AT 4:00 P.M.
CITY HALL CONFERENCE ROOM
111 SOUTH CAPITOL STREET
PEKIN, ILLINOIS 61554**

Deputy Liquor Commissioner VonRohr called the meeting to order at 4:00 p.m.

PLEDGE of ALLEGIANCE led by Fire Chief Kurt Nelson

ROLL CALL

The following members were present for roll call: Liquor Commissioner Laurie Barra, Police Deputy Chief Don Baxter, Liquor Commission Member Buster Hanley, Liquor Commission Member Dale Vonderheide, Deputy Liquor Commissioner Rick VonRohr and Fire Chief Kurt Nelson

Also present: Attorney Sue Bosich – Corporation Counsel and Mayor elect John McCabe

APPROVAL OF AGENDA

Motion made by Liquor Commissioner Laurie Barra to approve the Agenda for April 23, 2015, seconded by Commission Member Dale Vonderheide. On roll call vote all present voted Aye. Motion carried.

APPROVAL OF LIQUOR COMMISSION MINUTES

Motion made by Liquor Commission Member Buster Hanley to approve the March 26, 2015 liquor commission minutes, seconded by Fire Chief Kurt Nelson. On roll call vote all present voted Aye. Motion carried.

OLD BUSINESS

**CORNSTAR, INC. DBA THE HIGH NOTE
CHAD BALL
431 ½ COURT STREET
PEKIN, ILLINOIS 61554**

Discussion: Fire Chief Kurt Nelson stated that Jamie Evans with the Fire Department did a walk-thru today and there were still some things that needed corrected. Once finished Jamie needs to go back through. Deputy Liquor Commissioner VonRohr will need to do his walk-thru for the Pekin Police Department for a working land-line telephone and video cameras for the clear view. Ron Sieh with the Inspections Department was out there today and signed off on the sheet that it was okay on their end. Attorney Bosich stated Mr. Ball's ex-wife and previous owner of The High Note did not come into her office and sign off all liability to ownership of that liquor license, so for the City's liability and possible legal issues, Mr. Ball would not be able to get his liquor license until after our renewals, which would be May 1st, 2015.

Deputy Police Chief Don Baxter made a motion to approve a liquor license to Cornstar, Inc. dba The High Note contingent upon final walk-thru's with the Police Department and Fire Department and after April 30th, 2015, seconded by Liquor Commission Member Vonderheide. On roll call vote all present voted Aye. Motion carried.

NEW BUSINESS

No new business

PUBLIC INPUT/COMMENTS/QUESTIONS

There was no one present for Public Comments.

ANY OTHER BUSINESS

Attorney Sue Bosich handed out to the Commission two new liquor ordinances to be on the Monday, April 28th City Council Agenda. Ordinance No. 2720-14/15 – Amending Title 3, Chapter 3, Section 9 of the Code of the City of Pekin 1995 Regarding Liquor Code. Ordinance No. 2721-14/15 – Amending Title 3, Chapter 3, Section 6 of the Code of the City of Pekin 1995 Regarding “Sober Server Ordinance”.

Discussion: Liquor Commissioner Barra asked if we could put a time limit on all liquor license establishments to get these video cameras in place rather than have most of them grandfathered in. The Ordinance is not written that way, but can always be changed at a later date. This would apply to all new liquor license applicants. Paula to email or mail out the new Ordinances, if passed by Council on Monday, April 27th, 2015 to all liquor license establishments. Liquor Commissioner Barra thanked all the members for their time and dedication and it is much appreciated for all of them to serve on this commission. Commission members thanked Mayor Barra for being the Liquor Commissioner the past 4 years and all have enjoyed working with her. The Liquor Commission then welcomed Mayor elect John McCabe. John McCabe stated he was on the 1st Liquor Commission board when created by then Mayor Howard.

Liquor Commission Member Vonderheide made a motion to adjourn, seconded by Fire Chief Kurt Nelson. On roll call vote all present voted Ave. Motion carried.

Meeting adjourned at 4:15 P.M.

Next Regular Meeting Thursday, May 28, 2015 at 4:00 P.M.

Respectfully submitted
Paula Gensel

Tazewell County Animal Control

City: City of Pekin

Date:

Billing for Month of:

April 2015

\$3,753.83

Tazewell Animal Control

Po Box 158

Tremont, IL 61568

City of Pekin

111 S. Capitol Room 242

Pekin, IL 61554

Animal Counts Brought in by Wardens between April 1, 2015 and April 30, 2015

City	Warden	Origin	PickUp Site	PickUp Dat	Species	Breed	Disposition	Days	Log #
Pekin									
	HARMS	City	2017 MARKET	4/1/2015	Cat	DLH	REL	8	150525
	LOHNES	City	103 SCHRAMM #16	4/21/2015	Other	RABBIT	D	0	150620
	LOHNES	City	6TH & SOUTH	4/10/2015	Dog	BASSETT	R	3	150556
	LOHNES	City	1505 MECHANIC	4/11/2015	Other	RABBIT	REL	0	150562
	LOHNES	City	1505 MECHANIC	4/11/2015	Other	RABBIT	REL	0	150561
	LOHNES	City	25 WOODSCAPE APT 27	4/6/2015	Other	TURKEY VULTUR	REL	0	150536
	HARMS	City	1108 CATHERINE	4/8/2015	Dog	LAB	R	0	150545
	LOHNES	City	1600 memorial	4/6/2015	Dog	pit mix	A	4	150539
	HARMS	City	213 SUNNYRIDGE #G	4/17/2015	Cat	DSH	REL	12	150604
	LOHNES	City	1513 SARA LANE APT 3	4/7/2015	Cat	DSH	REL	22	150543
	LOHNES	City	PEKIN PARK	4/7/2015	Dog	HEELER MIX	R	0	150541
	LOHNES	City	1101 EL CAMINO	4/12/2015	Other	BAT	REL	0	150564
	HARMS	City	1229 CAPITOL	4/23/2015	Dog	LAB/ROTT			150641
	HARMS	City	COURT STREET	4/19/2015	Cat	DSH	E	1	150616
	HARMS	City	1309 state	4/22/2015	Cat	DSH	E	0	150631
	HARMS	City	213 SUNNYRIDGE #G	4/17/2015	Cat	DSH	REL	12	150602
	HARMS	City	14TH & SOUTH	4/23/2015	Other	DUCK	REL	0	150633
	HARMS	City	224 SAPP	4/8/2015	Dog	CHI/JACK	A	6	150550
	HARMS	City	213 SUNNYRIDGE #G	4/17/2015	Cat	DSH	REL	12	150605
	HARMS	City	213 SUNNYRIDGE #G	4/17/2015	Cat	DSH	REL	12	150603
	HARMS	City	356 S CAPITOL	4/20/2015	Cat	DSH	E	4	150608
	HARMS	City	213 SUNNYRIDGE #G	4/17/2015	Cat	DSH	REL	12	150601
	HARMS	City	1204 ANN ELIZA	4/16/2015	Dog	PIT MIX	R	0	150587
	HOMERI	City	204 HERGET	4/5/2015	Dog	BORDER MIX	E	5	150535
	HOMERI	City	2ND ANS SHERIDIAN	4/24/2015	Other	SQUIRREL	REL	0	150644
	HOMERI	City	702 GRANDVIEW	4/28/2015	Dog	PIT MIX			150653
	HARMS	City	1401 N 5TH # 2	4/24/2015	Dog	LAB MIX	REL	5	150638

Total Dogs picked up in Pekin: 10

Total Cats picked up in Pekin: 10

Total Others picked up in Pekin: 7

Animal Counts Brought in by Individuals between April 1, 2015 and April 30, 2015

City	In By	Origin	PickUp Site	PickUp Dat	Species	Breed	Disposition	Days	Log #
Pekin	Owner R	City	2023 WESTGATE DR	4/16/2015	Cat	DSH	E	1	150591
	Owner R	City	216 HAMILTON	4/15/2015	Dog	CHI/MIX	A	9	150582
	Owner R	City	216 HAMILTON	4/15/2015	Cat	DSH	A	7	150581
	Owner R	City	216 HAMILTON	4/15/2015	Cat	DSH			150580
	Owner R	City	267 COOPER	4/14/2015	Dog	PIT/SHEP	E	1	150572
	Owner R	City	221 SAPP	4/1/2015	Other	DOVE	A	9	150519
	Individua	City	427 FAIRLANE	4/22/2015	Cat	DSH	E	9	150624
	Individua	City	1002 WASHINGTON	4/17/2015	Cat	DSH	E	7	150596
	Individua	City	427 FAIRLANE	4/10/2015	Cat	DLH	E	7	150553
	Individua	City	2032 WEST GATE	4/8/2015	Cat	DMH	E	2	150546
	Individua	City	427 FAIRLANE	4/7/2015	Cat	DSH	E	8	150540
	Individua	City	327 CATHERINE	4/6/2015	Cat	DSH	R	22	150537

Total Dogs picked up in Pekin: 2

Total Cats picked up in Pekin: 9

Total Others picked up in Pekin: 1

CITY OF PEKIN, ILLINOIS
POLICE PENSION FUND

HOUSE BILL 5088 - MUNICIPAL COMPLIANCE REPORT

FOR THE FISCAL YEAR ENDED

APRIL 30, 2014

**CITY OF PEKIN, ILLINOIS
POLICE PENSION FUND**

**House Bill 5088 (Public Act 95-950) - Municipal Compliance Report
For the Fiscal Year Ending April 30, 2014**

The Pension Board certifies to the Board of Trustees of the City of Pekin, Illinois on the condition of the Pension Fund at the end of its most recently completed fiscal year the following information:

- 1) The total cash and investments of the fund and their current market value of those assets:

	<u>Current Fiscal Year</u>	<u>Preceding Fiscal Year</u>
Total Cash and Investments	<u>\$ 27,646,029</u>	<u>\$ 25,351,350</u>
Total Net Position	<u>\$ 27,640,240</u>	<u>\$ 25,339,037</u>

- 2) The estimated receipts during the next succeeding fiscal year from deductions from the salaries of police officers and from other sources:

Estimated Receipts - Employee Contributions	<u>\$ 423,000</u>
Estimated Receipts - All Other Sources	
Investment Earnings	<u>\$ 1,935,200</u>
Municipal Contributions	<u>\$ 1,402,701</u>

- 3) The estimated amount required during the next succeeding fiscal year to (a) pay all pensions and other obligations provided in Article 3 of the Illinois Pension Code, and (b) to meet the annual requirements of the fund as provided in Sections 3-125 and 3-127:

(a) Pay all Pensions and Other Obligations	<u>\$ 2,821,100</u>
(b) Annual Requirement of the Fund as Determined by:	
Illinois Department of Insurance	<u>\$ 1,509,003</u>
Private Actuary- Lauterbach & Amen, LLP	
Recommended Municipal Contribution	<u>\$ 1,402,701</u>
Statutory Municipal Contribution	<u>\$ 1,167,552</u>

**CITY OF PEKIN, ILLINOIS
POLICE PENSION FUND**

**House Bill 5088 (Public Act 95-950) - Municipal Compliance Report
For the Fiscal Year Ending April 30, 2014**

- 4) The total net income received from investment of assets along with the assumed investment return and actual investment return received by the fund during its most recently completed fiscal year compared to the total net income, assumed investment return, and actual investment return received during the preceding fiscal year:

	<u>Current Fiscal Year</u>	<u>Preceding Fiscal Year</u>
Net Income Received from Investment of Assets	<u>\$ 2,656,029</u>	<u>\$ 1,952,661</u>
Assumed Investment Return		
Illinois Department of Insurance	<u>6.75%</u>	<u>6.75%</u>
Private Actuary- Lauterbach & Amen, LLP	<u>7.00%</u>	<u>N/A</u>
Actual Investment Return	<u>10.55%</u>	<u>16.69%</u>

- 5) The total number of active employees who are financially contributing to the fund:

Number of Active Members	<u>55</u>
--------------------------	-----------

- 6) The total amount that was disbursed in benefits during the fiscal year, including the number of and total amount disbursed to (i) annuitants in receipt of a regular retirement pension, (ii) recipients being paid a disability pension, and (iii) survivors and children in receipt of benefits:

	<u>Number of</u>	<u>Total Amount Disbursed</u>
(i) Regular Retirement Pension	<u>36</u>	<u>\$ 2,078,825</u>
(ii) Disability Pension	<u>3</u>	<u>\$ 38,363</u>
(iii) Survivors and Child Benefits	<u>11</u>	<u>\$ 106,988</u>
Totals	<u>50</u>	<u>\$ 2,224,176</u>

**CITY OF PEKIN, ILLINOIS
POLICE PENSION FUND**

**House Bill 5088 (Public Act 95-950) - Municipal Compliance Report
For the Fiscal Year Ending April 30, 2014**

7) The funded ratio of the fund:

	<u>Current Fiscal Year</u>	<u>Preceding Fiscal Year</u>
Illinois Department of Insurance	<u>58.74%</u>	<u>58.78%</u>
Private Actuary- Lauterbach & Amen, LLP	<u>59.44%</u>	<u>N/A</u>

8) The unfunded liability carried by the fund, along with an actuarial explanation of the unfunded liability:

Unfunded Liability:

Illinois Department of Insurance	<u>\$ 19,009,055</u>
Private Actuary- Lauterbach & Amen, LLP	<u>\$ 18,622,432</u>

The accrued liability is the actuarial present value of the portion of the projected benefits that has been accrued as of the valuation date based upon the actuarial valuation method and the actuarial assumptions employed in the valuation. The unfunded accrued liability is the excess of the accrued liability over the actuarial value of assets.

9) The investment policy of the Pension Board under the statutory investment restrictions imposed on the fund.

Investment Policy - See Attached.

Please see Notes Page attached.

CERTIFICATION OF MUNICIPAL POLICE
PENSION FUND COMPLIANCE REPORT

The Board of Trustees of the Pension Fund, based upon information and belief, and to the best of our knowledge, hereby certify pursuant to §3-143 of the Illinois Pension Code 40 ILCS 5/3-143, that the preceding report is true and accurate.

Adopted this _____ day of _____, 2015

President _____ Date _____

Secretary _____ Date _____

**CITY OF PEKIN, ILLINOIS
POLICE PENSION FUND**

**House Bill 5088 (Public Act 95-950) - Municipal Compliance Report
For the Fiscal Year Ending April 30, 2014**

INDEX OF ASSUMPTIONS

- 1) Total Cash and Investments - as Reported in the Audited Financial Statements for the Years Ended April 30, 2014 and 2013.

Total Net Position - as Reported at Market Value in the Audited Financial Statements for the Years Ended April 30, 2014 and 2013.

- 2) Estimated Receipts - Employee Contributions as Reported in the Audited Financial Statements for the Year Ended April 30, 2014 plus 5.46% Increase (Actuarial Salary Increase Assumption) Rounded to the Nearest \$100.

Estimated Receipts - All Other Sources

Investment Earnings - Cash and Investments as Reported in the Audited Financial Statements for the Year Ended April 30, 2014, times 7% (Actuarial Investment Return Assumption) Rounded to the Nearest \$100.

Municipal Contributions - Recommended Tax Levy Requirement as Reported by Lauterbach & Amen, LLP, Actuarial Valuation for the Year Ended April 30, 2014.

- 3) (a) Pay all Pensions and Other Obligations - Total Deductions as Reported in the Audited Financial Statements for the Year Ended April 30, 2014, plus a 25% Increase, Rounded to the Nearest \$100.

(b) Annual Requirement of the Fund as Determined by:

Illinois Department of Insurance - Suggested Amount of Tax Levy as Reported in the April 30, 2014 Actuarial Valuation.

Private Actuary

Recommended Amount of Tax Levy as Reported by Lauterbach & Amen, LLP in the April 30, 2014 Actuarial Valuation.

Statutorily Required Amount of Tax Levy as Reported by Lauterbach & Amen, LLP in the April 30, 2014 Actuarial Valuation.

**CITY OF PEKIN, ILLINOIS
POLICE PENSION FUND**

**House Bill 5088 (Public Act 95-950) - Municipal Compliance Report
For the Fiscal Year Ending April 30, 2014**

INDEX OF ASSUMPTIONS - Continued

- 4) Net Income Received from Investment of Assets - Investment Income (Loss) net of Investment Expense, as Reported in the Audited Financial Statements for the Years Ended April 30, 2014 and 2013.

Assumed Investment Return

Illinois Department of Insurance - Current and Preceding Fiscal Year Interest Rate Assumption as Reported in the April 30, 2014 and 2013 Actuarial Valuations.

Private Actuary - Current Fiscal Year Interest Rate Assumption as Reported in the Lauterbach & Amen, LLP, April 30, 2014 Actuarial Valuation. No April 30, 2013 Private Actuarial Valuation available at the time of this report.

Actual Investment Return - Net Income Received from Investments as Reported Above as a Percentage of the Average of the Beginning and Ending Balances of the Fiscal Year Cash Investments, Excluding Net Investment Income, Gains, and Losses for the Fiscal Year Return Being calculated, as Reported in the Audited Financial Statements for the Fiscal Years Ended April 30, 2014, 2013 and 2012.

- 5) Number of Active Members - Illinois Department of Insurance Annual Statement for April 30, 2014 - Schedule P.
- 6) (i) Regular Retirement Pension - Illinois Department of Insurance Annual Statement for April 30, 2014 - Schedule P for Number of Participants and Expense page 1 for Total Amount Disbursed.
- (ii) Disability Pension - Same as above.
- (iii) Survivors and Child Benefits - Same as above.

**CITY OF PEKIN, ILLINOIS
POLICE PENSION FUND**

**House Bill 5088 (Public Act 95-950) - Municipal Compliance Report
For the Fiscal Year Ending April 30, 2014**

INDEX OF ASSUMPTIONS - Continued

7) The funded ratio of the fund:

Illinois Department of Insurance - Current and Preceding Fiscal Year Net Present Assets as a percentage of Total Assets as Reported in the April 30, 2014 and 2013 Actuarial Valuations.

Private Actuary - Current Fiscal Year Net Present Assets as a percentage of Total Assets as Reported in the Lauterbach & Amen, LLP, April 30, 2014 Actuarial Valuation. No April 30, 2013 Private Actuarial Valuation available at the time of this report.

8) Unfunded Liability:

Illinois Department of Insurance - Deferred Asset (Unfunded Accrued Liability) as Reported in the April 30, 2014 Actuarial Valuation.

Private Actuary - Deferred Asset (Unfunded Accrued Liability) as Reported by Lauterbach & Amen, LLP in the April 30, 2014 Actuarial Valuation.

RESOLUTION NO. 5-15/16

PEKIN, ILLINOIS, May 26, 2015 19

RESOLUTION BY COMMISSIONER

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

Pursuant to 65 ILCS 5/5-2-12 (g.) and 1-5-1 of the Code of the City of Pekin

Rusty L. Dunn is hereby appointed to fill the vacancy in the position of Council

Member and complete the unexpired term of Council Member John H. McCabe

effective May 26, 2015 until the first regular meeting of May 2017.

SIGNED BY

MAYOR.



OATH OF OFFICE

STATE OF ILLINOIS }
Tazewell County } ss.
CITY OF PEKIN }

I, *Rusty L. Dunn*

having been appointed to the office of **Council Member** in the City of Pekin in the County of Tazewell and State of Illinois, do solemnly swear, (or affirm), that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of **Council Member** to the best of my ability.

Subscribed and sworn (or affirmed) to before me, this 26th day of May 2015

Sue E. McMillan, City Clerk

Rusty L. Dunn, Council Member

ORDINANCE NO. 1462-A341-15/16

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 4, SECTIONS 1. D
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING NO PARKING SCHEDULE**

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 a request for parking to be restricted on Starcevich Court at the TSC meeting on May 1, 2015; and

WHEREAS, the Traffic Safety Committee recommends to Council to eliminate parking on the northside of Starcevich Court to improve vehicle access on the narrow street.

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

1. That Title 8, Chapter 4, Section 1. D. be amended by deleting the existing No Parking Schedule dated April 27, 2015 in its entirety, and inserting the No Parking Schedule dated May 26, 2015 attached hereto and incorporated herein by this reference.

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

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

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

PASSED AND APPROVED at the regular meeting of the City Council of the City of Pekin, this _____ day of _____, 2015; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

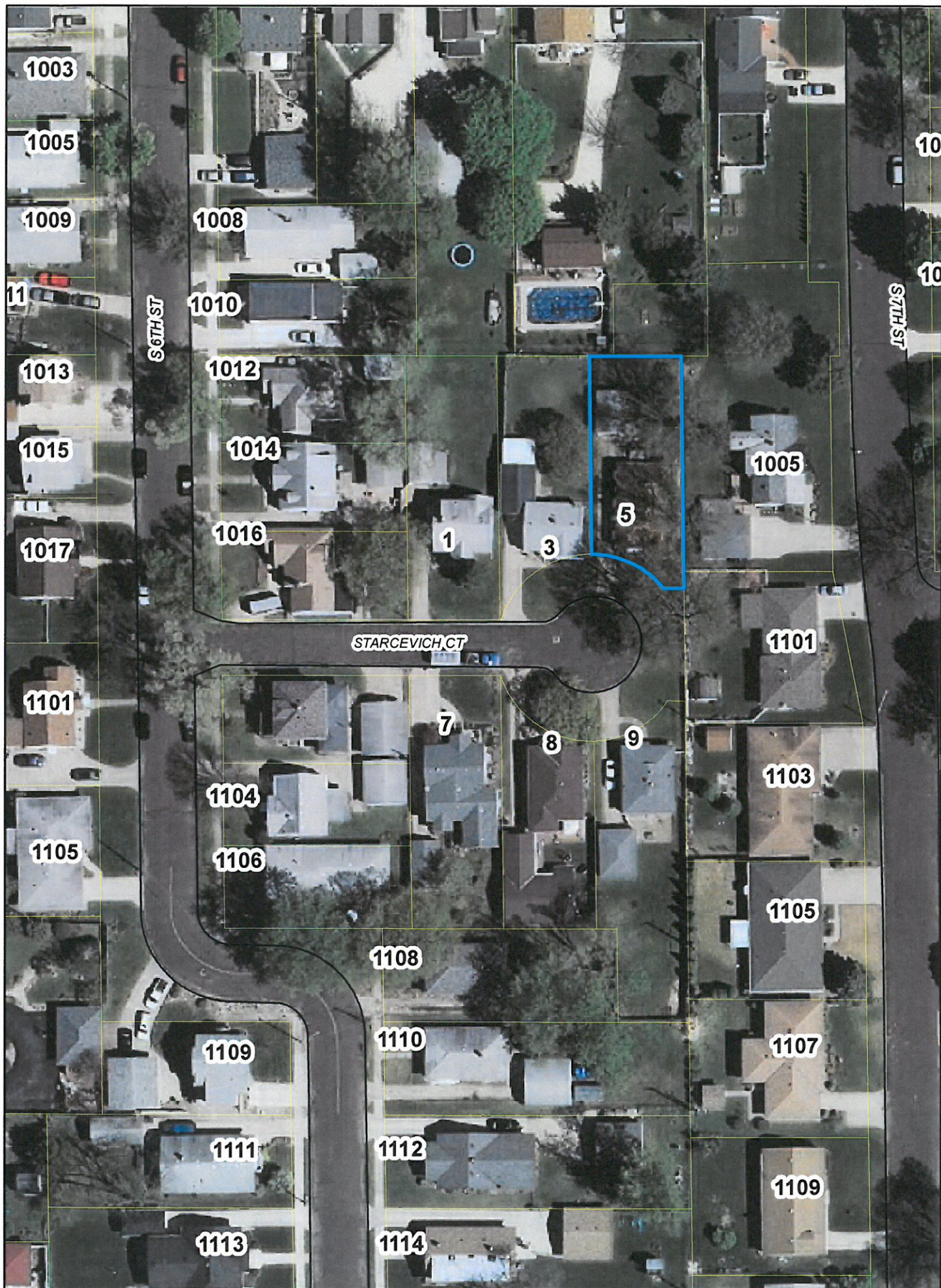
APPROVED this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

Time	Duration	Days	On Street	At or From	To	Direction of Traffic	Side	Date of Adoption
Total	Always	All days	Woodlawn Court	Summer Street	Charles Street	West	Both	
Total	Always	All days	Winter Street	Hecker	South 10th Street	West	North	09-22-08*
Total	Always	All days	Willow Street	North 14th Street	200' East	East-West	Both	05-23-11
Total	Always	All days	Willow Street	Parkway Drive	200' East	East-West	Both	05-23-11
Total	Always	All days	Washington Street	165' East of Buena Vi	230' East of Buena Vis	West	North	
Total	Always	All days	Washington Street	200' West of Court	Court Street	East	South	
2 hours	9am-5pm	Mon-Sat	Washington Street	200 feet east of 10th	10th Street	East	South	
Total	Always	All days	Washington Street	Bacon Street	South 6th Street	East	South	
Total	Always	All days	Washington Street	South 6th Street	88'	East	North	
Total	Always	All days	Washington Street	South 6th Street	50' West	West	North	
Total	Always	All days	Washington Street	105' East of Capitol	185' West of Capitol	West	North	11-24-08
Total	Always	All days	Washington Street	South 6th Street	50' East	West	North	
Total	Always	All days	Washington Street	Capitol Street	82' West of Capitol	East	South	
Total	Always	All days	Veerman Street	810' North of Willow	895' North of Willow	North	East	
Total	Always	All days	Veerman Street	535' North of Willow	620' North of Willow	North	East	
Total	Always	All days	Third Avenue	Washington Street	Broadway	North	Both	
Total	Always	All days	Sycamore Street	Royal Street	Lucille Street	South	West	
Total	Always	All days	State Street	North 5th Street	40'	East-West	Both	
Total	Always	All days	Starceovich Court	South 6th Street		West	North	05-26-15
Total	Always	All days	Stadium Drive	Court Street	Parkway Drive	East-West	Both	
Total	8-9am & 2-4pm	School	St. Joseph Place	Haines Avenue	30ft SW Corner	East	South	03-25-13
2 hours	9am-5pm	Mon-Sat	St Mary Street	South 3rd Street	Broadway	East-West	Both	
2 hours	9am-5pm	Mon-Sat	St Joseph Place	South 6th Street	South 7th Street	East	South	
Total	Always	All days	St Joseph Place	South 7th Street	South 6th Street	West	North	
Total	7:30am-5pm	School	South Capitol Street	Prince Street	South 80'	North	Both	
Total	Always	All days	South Capitol Street	Washington Street	from stop signs 90' S	North	Both	
Total	Always	All days	South Capitol Street	Washington Street	Broadway	North	West	
2 hours	9am-5pm	Mon-Sat	South Capitol Street	Court Street	Sabella Street	South	Both	
2 hours	9am-5pm	Mon-Sat	South Capitol Street	Broadway	Court Street	North	Both	
Total	Always	All days	South 8th Street	Cul-de-sac	Prince Street	North	East	09-22-08
Total	Always	All days	South 7th Street	95' South of Park Ave	180' South	South	West	12-14-09
Total	Always	All days	South 7th Street	60' North of Derby	95' North of Derby	North	West	
Total	Always	All days	South 7th Street	Derby Street	50' North of Derby Str	North	East	
15 minu	9am-5pm	Mon-Sat	South 6th Street	St Joseph Place	Broadway	North	Both	
2 hours	9am-5pm	Mon-Sat	South 6th Street	Hillyer Street	St Joseph Place	North	Both	
Total	Always	All days	South 6th Street	Broadway	Court Street	North-South	Both	
15 mins	Always	All days	South 5th Street	Derby Street	130' south of Derby	South	West	08-27-12
Total	Always	All days	South 5th Street	130' south of Derby	Koch Street	South	West	08-27-12





REQUEST FOR COUNCIL ACTION

To: Mayor and Council

CC: City Clerk & City Manager

From: Michael Guerra, City Engineer

AGENDA ITEM: Change Order - Wastewater Treatment Plant, Phase 2A

AGENDA DATE REQUESTED: May 26, 2015

ACTION REQUESTED: Approve Change Order #8 for Phase 2A for the WWTP for the credit of \$4,216.00

DESCRIPTION: Phase 2A construction of the wastewater treatment plant commenced in November of 2011 with the construction of the new plant within the foot print of the existing plant. This is the eighth change order (CO) the credit for one item.

This item was originally approved in CO #4 at the City's request for a cross connection walkway to provide for easier and safer access to a pump station that was difficult to access due to construction. As work progressed the difficulty to access this pump station was alleviated therefore the cross connection was no longer needed. Since it was not installed this change order is to credit the authorized amount back to the City. Attached is the description of the change requested along with the amount deducted from the contract.

Overall for phase 2A the original contract was \$20,670,000.00 and with the all change orders it is now \$21,285,113.00 which is a 3.00% increase. This change order will bring the total amount of change orders to \$615,113 leaving \$4,987.00 remaining in the original 3% loan contingency. While this has used up almost the entire remaining contingency on phase 2A, this phase of the project is now substantially complete.

I would recommend that this change order for the project be approved so that phase 2A can be completed.

FINANCIAL IMPACT: None to the existing budget because changes were anticipated in the project estimate

NEIGHBORHOOD CONCERNS: None

IMPACT IF APPROVED: City will receive a credit on the contract for work not performed

IMPACT IF DENIED: City will not receive the credit on the contract for work not performed

ALTERNATIVES: N/A

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: 5/18/15	
Finance Department (Certification of Availability of Funds):	
Date:	
Corporation Counsel:	
Date:	
City Manager:	
Date:	

Change Order

No. 8

Date of Issuance: 04/30/2015

Project: Wastewater Treatment Plant (STP #1) Improvements – Phase 2A	Owner: City of Pekin
Contract: Wastewater Treatment Plant (STP #1) Improvements – Phase 2A	Date of Contract: 11/1/2011
Contractor: Williams Brothers Construction, Inc.	Engineer's Project No.: 0110781.00

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

See Attachment #1 – List of Change Order Items and Justifications

Attachments (list documents supporting change):

See Attached email record, RFP#40 and RFP #73

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 20,670,000.00

Increase from previously approved Change Orders No. 1 to No. 7:

\$619,329.00

Contract Price prior to this Change Order:

\$ 21,289,329.00

Decrease of this Change Order:

(\$ 4216.00)

Contract Price incorporating this Change Order:

\$ 21,285,113.00

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working days X Calendar days

Substantial completion (days or date): 700

Ready for final payment (days or date): 760

[Increase] [Decrease] from previously approved Change Orders No. to No. :

Substantial completion (days): N/A

Ready for final payment (days):

Contract Times prior to this Change Order:

Substantial completion (days or date): 700

Ready for final payment (days or date): 760

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): 27

Ready for final payment (days or date): 27

Contract Times with all approved Change Orders:

Substantial completion (days or date): 727

Ready for final payment (days or date): 787

RECOMMENDED:

By: [Signature]
Engineer (Authorized Signature)

Date: 4/30/2015

Approved by Funding Agency (if applicable):

ACCEPTED:

By:
Owner (Authorized Signature)

Date:

ACCEPTED:

By: [Signature]
Contractor (Authorized Signature)

Date: 04-30-15

Date:

ATTACHMENT #1

Change Order Items Summary and Justification

1. RFP #040: Credit to the Owner for costs not incurred. It was decided with owner approval this walkway access platform at the primary clarifier is no longer needed. The work was previously authorized with Change Order #4, RFP 040 and will be equitably deducted with this change. (\$4,216.00)

See attached RFP and Change Order Proposal Packets for additional details.

RFPs and Change Order Summary for Phase 2A

5/19/2015

Codes: UR=User Request;UF=Unforeseen Condition;DE=Design Error; CR=Code Revision; CE=Contractor Error, PC= plan clarification

RFP Number	Date	Description	Corresponding RFI/ESI	WBCI RFI/ESI Numbering	Transmittal Number	Proposal Received	Proposal Amount	Negotiated Amount	Change Order Number	Code
1	11/18/2011	24" Sanitary North of Blower Bldg Ph 2A/2B Shift	none	001	19	11/21/11	\$27,585.00	\$27,585.00	1	
1A	11/18/2011	Existing manhole replacement associated with RFP #1 24 in. SA relocate	none	001S	38	01/30/12	\$9,656.00	\$9,656.00	1	
2	11/29/2011	Electrical power feed to the Operations Building	none		40	12/23/11	\$3,315.00	n/c	1	
3	11/29/2011	DMDP Vault Changes - Elevated Decking Construction and Manhole Lid	RFI #004/ESI #004	003	41	12/12/11	\$2,258.00	\$2,258.00	1	
4	11/29/2011	Temporary Primary Sludge Transfer Interconnect	RFI #005/ESI #003	004	52	12/28/11	\$6,499.00	\$6,499.00	1	
5	12/12/2011	Residuals Building Sanitary Drain reroute and temp PW/NPW services	RFI #007	005	57	2/1/2012	(\$7,549.00)	(\$7,549.00)	1	
7	12/12/2011	Delete Handrail at Primary Clarifiers	none	007	73	1/7/2012	(\$8,244.00)	(\$8,244.00)	1	
8	12/19/2011	Digester 2 Temporary Sludge discharge to lagoon	none	008	110	1/31/2012	n/c	n/c	1	
9	1/11/2012	Sludge Drying Bldg. conduit adjusts for 2B Sludge Drying Canopy	EC002-E03	009	111	1/31/2012	\$6,304.00	\$6,304.00	1	
10	1/11/2012	Relocate existing NPW and CI2 lines conflicting with Sludge/Blower Building Construction	none	010	260		\$659.00	\$659.00	1	
12	2/8/2012	Metal Wall Panel Change to Marquee-Lok	Shop Dwg 7412.01	Shop Dwg 7412.01			\$71,327.00	\$40,483.00		
Total Change Order No. 1										
6R	12/12/2011	Temp Construction and operating power for North Primary Clarifier and Primary Sludge Pump Station	ECO2-02a to d	006	56	1/10/2012	\$34,003.00	\$16,283.00	2	
11	2/2/2012	Delete Electric Actuators from SG-1 (Qty 2)	ESI005 Reissue	ESI005	216		(\$1,285.00)	(\$1,285.00)	2	
13	2/8/2012	HOA Switch Wiring	ESI #010	ESI# 010	269	deleted	n/c	n/c	2	
14	2/23/2012	Controls additions/subtractions for RFI 22	RFI#22	RFI #22	315		(\$7,161.00)	(\$7,161.00)	2	
15	3/5/2012	Removing a 400amp feed from DMDP	-		347		(\$25,135.00)	(\$25,135.00)	2	
16	3/23/2012	Architectural and Structural Changes at residuals walkway retaining wall (ESI 15)	15	15	445		\$4,238.00	\$4,238.00	2	
17	3/26/2012	Digester Gas Safety Equipment/Pipe Clean Out; Electric Water Heater labor at Maintenance Shop	-		454	4/5/2012	\$7,224.00	\$7,224.00	2	
18/18R	3/27/2012	Residuals Building Slab adjustments	RFI #42	RFI #42	504		\$3,097.00	\$3,097.00	2	
19	4/5/2012	Flushing Hose Bib at Residuals Building to replace existing yard hydrant	RFI #42	RFI #42	508		\$1,600.00	\$1,600.00	2	
20	4/9/2012	10" PS Pipe adjustments btwn S. Primary Clarifier and N. Primary Clarifier	ESI #016	ESI #016	512		(\$5,426.00)	(\$5,426.00)	2	
21	4/11/2012	Duct Bank Revision from the Blower Bldg to the NPW Pump Sta	RFI #19 and #43	RFI #19 and #43	548		\$21,795.00	\$9,725.00	2	
22/22R/22R2	4/12/2012	Residuals Building Supplemental Structural support for select large process Equipment			695		\$41,501.00	\$41,501.00	3	
23R	4/18/2012	Exterior Lighting Change to Type C fixtures per shop drawing review comments	Shop 16521 & RFI #46	Shop 16511 & RFI #46	551		(\$300.00)	(\$300.00)	2	
24	4/18/2012	Aeration basin Inlet Channel Actuator; MLSS sensor Power and Control conduit	ESI #017 & RFI #045	ESI #017 & RFI #045	553		\$8,638.00	\$8,638.00	2	
25R	4/25/2012	Residuals Building PLC Additional I/O	Shop Dwg 16900	Shop Dwg 16900	593		\$9,204.00	\$9,204.00	2	
26	4/25/2012	FRP Panel Upgrade (5/8 plywood vs. Gypsum) at Chlorine, Blower, and Residuals Bldg.	Ph2B Add. #3	Ph2B Add. #3	590		\$5,625.00	\$5,625.00	2	
27	4/25/2012	Temp Reroute of control & power cable in conflict with the Secondary Drain MH			597		\$10,487.00	\$10,487.00	2	
30	5/9/2012	Undercut of the Aeration Basin	Directly from Contractor				\$36,450.00	\$29,403.00	2	
Total Change Order No. 2										
28	5/2/2012	Additional veneer block and support beam at 66 digester abutment to Residuals Building	ESI #022	ESI #022	638		\$17,480.00	\$17,480.00	3	
29R	7/23/2012	Concrete Patch and Piping Repairs at West 1936 digester			923		\$105,414.00	\$86,124.00	3	
31	5/9/2012	Process Gate Installation Improvements at the Aeration Basins & Anaerobic/Anoxic Basins	RFI #055	RFI #055	674		\$7,966.00	\$5,247.00	3	
32/32R/32R1	5/18/2012	Digester Gas Piping Revisions and Tunnel Piping Joint Restraints			847		\$80,968.00	\$80,867.00	3	
33	5/25/2012	Residuals Building Hoist Beam Changes from ESI 032	ESI #032	ESI #032	751		\$4,767.00	\$4,767.00	3	
34	6/5/2012	Secondary Digester Tunnel and Vault Electrical Modifications	RFI #065/#68R	RFI #065/#68R	793		\$15,771.00	\$15,771.00	3	
35	6/20/2012	Add Cleanouts to the Contract	RFI #081	RFI #081	826		\$15,225.00	\$15,225.00	3	
36	6/29/2012	Sludge Sample Taps in the Residuals Building			874		\$2,243.00	\$2,243.00	3	
37	6/29/2012	Digester #2 Sludge Piping Revisions			875		\$9,682.00	\$9,682.00	3	
38	7/11/2012	GFI Outlet and Conduit Deduct	Contractor Request		892		(\$31,425.00)	(\$31,425.00)	3	
39	7/12/2012	Sump Pump Additional Conduit	11204.02/ESI 040	11204.02/ESI 040	902		\$5,581.00	\$5,581.00	3	
Total Change Order No. 3										
40	10/4/2012	Primary Clarifier Access Platform			1121		\$4,216.00	\$4,216.00	4	
41	10/3/2012	Pipe and Hatch Revisions at Digester 64 Internal			1123		\$38,733.00	\$38,733.00	4	
42	10/3/2012	Gas Venting Valves for Digester recirculation pumps			1124		\$13,757.00	\$13,757.00	4	
43	10/18/2012	Ceiling Access in the Residuals and Blower Buildings			1159		\$3,367.00	\$3,367.00	4	
44	10/30/2012	Temporary RAS Connection	RFI 111	RFI 111			\$18,727.84	\$17,676.00	4	
45	10/30/2012	Magnetic Flow Meter Changes			1184		\$6,540.00	\$6,540.00	4	
46	11/9/2012	Plate Settler Platform Structural Modifications in the Residuals Building	RFI118/ESI051		1203		\$3,100.00	\$3,100.00	4	
47	11/16/2012	Secondary Digester Tunnel Drain, Residuals Condensate Manhole Discharge					\$4,513.00	\$4,513.00	4	
49	12/19/2012	Temporary Secondary Clarifier Construction Bypass and Transfer Fittings					\$10,350.00	\$7,513.00	4	
Total Change Order No. 4										
							\$103,303.84	\$99,415.00		

[illegible]

% of Construction

Original Contract

\$20,670,000.00

CO #1
CO #2
CO #3
CO#4
CO#5
CO#6
CO#7
CO#8

\$40,483.00	0.20%
\$107,728.00	0.52%
\$211,562.00	1.02%
\$99,415.00	0.48%
\$87,028.00	0.42%
\$63,070.00	0.31%
\$10,043.00	0.05%
(\$4,216.00)	-0.02%

Total Change orders

798%

Current Contract

\$21,285,113.00

Loan Contingency

3000

Loan Contingency

5.00%



REQUEST FOR COUNCIL ACTION

To: Mayor and Council

CC: City Clerk & City Manager

From: Michael Guerra, City Engineer

AGENDA ITEM: Change Order - Wastewater Treatment Plant, Phase 2B

AGENDA DATE REQUESTED: May 26, 2015

ACTION REQUESTED: Approve Change Order #7 for Phase 2B for the WWTP in the amount of \$276.00

DESCRIPTION: Phase 2B construction of the wastewater treatment plant commenced in May of 2012 with the construction of the new plant within the foot print of the existing plant. This is the seventh change order and includes the addition of one item and the credit for one item. The first item was the addition required per code to have a shut off with in a short distance of the water heaters needed for the eyewash stations. The other item was for the credit for the deletion of a 10" storm line and manhole that was not needed after design changes approved in previous change orders.

Attached are the descriptions of the changes that are required with the amount added or deducted. The request for proposal documentation packet will be available for review with the City Clerk or the City Engineer.

Overall for phase 2B the original contract was \$14,850,000.00 and with the all change orders it is now \$15,341,559.00 which is a 3.31% increase. The allowable loan contingency was 3%, therefore the remaining \$46,059 of the projects cost will be the City's sole responsibility coming from reserves. Overall with a project of this size and complexity a 3.3% change is reasonable.

I would recommend that this change order for the project be approved so that phase 2B can be completed.

FINANCIAL IMPACT: an additional \$276 to the amount of changes that can't be incorporated into the loan.

NEIGHBORHOOD CONCERNS: None

IMPACT IF APPROVED: The work will incorporated into the contract

IMPACT IF DENIED: The work will not be incorporated into the contract

ALTERNATIVES: N/A

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:	5/18/2015
Finance Department (Certification of Availability of Funds):	
Date:	
Corporation Counsel:	
Date:	
City Manager:	
Date:	

Change Order

No. 7

Date of Issuance: 04/30/2015

Project: Wastewater Treatment Plant (STP #1) Improvements – Phase 2B	Owner: City of Pekin
Contract: Wastewater Treatment Plant (STP #1) Improvements – Phase 2B	Date of Contract: 5/7/2012
Contractor: Williams Brothers Construction, Inc.	

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

See Attachment #1 – List of Change Order Items and Justifications

Attachments (list documents supporting change):

See Attached RFP #45 and #46

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 14,850,000.00

[Increase] from previously approved Change Orders No. 1 to No. 5:

\$ 491,283.00

Contract Price prior to this Change Order:

\$ 15,341,283.00

Increase of this Change Order:

\$ 276.00

Contract Price incorporating this Change Order:

\$ 15,341,559.00

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working days X Calendar days

Substantial completion (days or date): 1020

Ready for final payment (days or date): 1050

[Increase] from previously approved Change Orders No. 1 to No. 5:

Substantial completion (days): 90

Ready for final payment (days): 90

Contract Times prior to this Change Order:

Substantial completion (days or date): 1110

Ready for final payment (days or date): 1140

Increase of this Change Order:

Substantial completion (days or date): 0

Ready for final payment (days or date): 0

Contract Times with all approved Change Orders:

Substantial completion (days or date): 1110

Ready for final payment (days or date): 1140

RECOMMENDED:

By: [Signature]
Engineer (Authorized Signature)

Date: 4/30/2015

Approved by Funding Agency (if applicable):

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: [Signature]
Contractor (Authorized Signature)

Date: 04-30-15

Date: _____

ATTACHMENT #1

Change Order Items and Justification

1. RFP #045

Description:

1. RFP #044 addresses provision of disconnects for the emergency eyewash water heaters \$3,826.00.

Justification:

1. The Emergency water heater units provided are not supplied with an electrical disconnect device. The heater circuits by strict code interpretation require a disconnect within site of the equipment. The electrical feed disconnect for the eyewash is located in an adjoining room 75 ft. away. To be in compliance a disconnect must be added.

2. RFP #046

Description:

1. RFP #046 addresses deletion of a 10 in. storm pipe and manhole and provision of a 6 in cleanout on an existing pipe (\$3,550.00)

Justification:

1. Based on field determination and consult with the Owner the existing 6 in. drain pipe is adequate with provision of a cleanout.

RFPs and Change Order Summary for Phase 2B

5/18/2015

Codes: UR=User Requested; UF=Unforeseen Condition; DE=Design Error; CR=Code Revision; PC=Plan Clarification

RFP Number	Date	Description	Corresponding RF/ESI	Transmittal Number	Proposal Amount	Negotiated Amount	Change Order Number	Code
1	6/20/2012	Cleanouts Added to Contract	Ph2A RFI #081	78	\$3,981.00	\$3,981.00	1	
2	6/22/2012	ESI 002 - Local HOA Panel for Scum Transfer Pumps	ESI 002	84	\$928.00	\$928.00	1	
3	6/28/2012	Remove Sampler Weatherguard Enclosure from Contract. Add a deck for sampler access	Shop Dwg 11185	103	(\$12,595.00)	(\$12,595.00)	1	
4	7/11/2012	Remove GFI Outlet and Conduit allowance from Contract	Contractor's Request	144	(\$25,370.00)	(\$34,880.00)	1	
5	7/17/2012	Sulfur Dioxide Equipment Room Expansion-RFP DELETED 7/18/2012		151	\$0.00	\$0.00	1	
6	7/26/2012	Chlorine Solution piping to RAS forcemain		170	\$4,912.00	\$4,912.00	1	
7	7/26/2012	Plant Flow Temporary Bypass Routing during Chlorine Contact Tank Construction		172	\$43,682.00	\$37,119.00	1	
8R	8/9/2012	NPW Suction Header Revisions and Isolation valves		189	\$18,016.00	\$18,016.00	1	
9	8/16/2012	30-inch SA Manhole relocation	Cancelled/deleted	205	\$0.00	\$0.00	-	
10	8/29/2012	Change of Type C Light Fixture to Match Phase 1 and 2A	Shop Dwg 16511 & 16512	220	\$3,729.00	\$3,729.00	1	
11	9/26/2012	Delete Fiber Fan Out boxes and Appurtenances Chlorine Building per RFO 014		250	(\$4,383.00)	(\$4,383.00)	1	
12	10/1/2012	Modification to Chlorine Gas Detector Scope		251	\$3,742.00	\$3,742.00	1	
13	10/5/2012	Sulfur Dioxide Equip Room (Rm 101) Window Size Change		259	(\$253.00)	(\$253.00)	1	
14	10/12/2012	MH Adjacent to CSO Inlet Control Structure		266	\$19,674.00	\$17,384.00	1	
15	10/17/2012	Allowable demolition near South Primary Clarifier and temporary 24" Bypass Pipe		280	\$15,247.00	\$13,902.00	1	
		Total Change Order No. 1			\$71,310.00	\$51,602.00		
17R1	11/8/2012	Relocation of Vector Pad and NPW Extension to Existing Blower Building		325	\$238.00	\$1,481.00	2	UR
18	11/15/2012	Concrete pavement repair at 30 in sewer below Front St.	RFI 013		\$58,035.00	\$46,818.00	2	UF
19	12/19/2012	Temporary Secondary Clarifier Construction Bypass and Transfer Fittings			\$27,707.00	\$25,744.00	2	UR
20R	2/4/2013	PLC relay and TVSS adjustments CSO and Chlorination Control Panels (originally issued 1/18/2013)			(\$756.00)	(\$1,116.00)	2	
21	1/24/2013	Chlorine Equipment Revisions and Deletions			(\$4,870.00)	(\$4,870.00)	2	
22R	2/27/2013	PLC-CHL HVAC I/O and Wiring			\$6,414.00	\$2,569.00	2	DE
23	3/20/2013	South Primary Clarifier Stairs Extensions	RFI 023		\$8,506.00	\$8,506.00	2	DE
24	3/20/2013	Boring Obstructions for 48-inch Excess Flow outfall and casing			\$15,355.00	\$12,164.00	2	UF
		Total Change Order No. 2			\$110,629.00	\$91,296.00		
16	10/18/2012	Ex. Influent Diversion Box (in Front St.) Rehabilitation T&M NTE		282	\$29,015.00	\$25,459.00	3	UR
25R	5/15/2013	Roadway and piping revisions at south end of WWTP			\$62,232.00	\$59,262.00	3	UR
26	5/15/2013	N. Secondary Effluent and Existing Plant Effluent Pipe Conflict Fittings			\$22,789.00	\$22,789.00	3	UF
27	5/22/2013	Storm Surge activation components Primary Clarifiers and Secondary Activated Sludge (CSO System)	Cancelled/deleted		\$181,995.00	\$0.00	-	
28R	6/11/2013	HVAC Duct work, motorized damper, gooseneck, and air intake size changes	RFI #031		\$22,096.00	\$20,970.00	3	UR
29	6/25/2013	Electrical Conduit Seals			\$23,157.00	\$22,539.00	3	UR
30	6/29/2013	Access hatch and floor cut out at existing sludge drying bldg pump station			\$5,944.00	\$5,201.00	3	UR
31		Phase 2B Flood Impact Time Extension			\$0.00	\$0.00	3	UF
32	8/27/2013	Tideflex Valve Wall Reinforcement			\$14,921.00	\$14,921.00	3	PC
33	8/28/2013	CSO Pump Station Overexcavation			\$1,452.00	\$1,452.00	3	UF
		Total Change Order No. 3			\$363,601.00	\$172,593.00		

		Utility Supply (water, sewer, electrical, fiber) to new office building-Owner Direct Funded	FEMA Flood Claim Mitigation		\$0.00	\$0.00	-	
34	9/24/2013	Utility Supply (water, sewer, electrical, fiber) to new office building-Owner Direct Funded						
35R2	11/20/2013	Air release valve model number revisions			\$9,307.00	\$7,660.00	4	PC
36	12/11/2013	Excess Flow Basin Retaining Wall Mods, Surge blocks for Hobas Fittings			\$57,679.00	\$40,163.00	4	PC
37	1/21/2014	Chlorine building ceiling hatch; breakers for emergency eyewash flash heater			\$6,448.00	\$6,448.00	4	CR/DE
38	3/10/2014	Supernatant sludge pump valve addition			\$8,520.00	\$8,520.00	4	UF
39	5/12/2014	Re-wiring circuits in UPS power panel control room			\$1,410.00	\$1,410.00	4	UC
40	6/6/2104	Secondary Thermocouple Digester #2			\$0.00	\$0.00	-	
41	6/20/2014	Electric Outlets for Chlorine Equipment Heaters	RFI #43		\$4,926.00	\$4,926.00	4	PC
		Total Change Order No. 4			\$88,290.00	\$69,127.00		
42R	8/1/2014	MLSS Sensor Relocation			\$8,126.00	\$0.00	5	UR
43	8/27/2014	CSO lagoon Soil Stabilization and Scour Pad Extension	cancelled/deleted		\$140,600.00	\$103,485.00	5	UF
		Total Change Order No. 5			\$148,726.00	\$103,485.00		
44		Chlorine Building Loading Hoist Beam and Festoon Cable Extension; Abutment flashing credit			\$3,180.00	\$3,180.00	6	UR
		Total Change Order No. 6			\$3,180.00	\$3,180.00		
45		Disconnects for Eyewash Heaters			\$3,826.00	\$3,826.00	7	CR
46		Delete 10 in ST and add 6 in Cleanout			(\$3,550.00)	(\$3,550.00)	7	UR
		Total Change Order No. 7			\$276.00	\$276.00		
			% of Construction					
Original Contract								
		\$14,850,000.00						
CO #1		\$51,602.00	0.35%					
CO #2		\$91,296.00	0.61%					
CO #3		\$172,593.00	1.16%					
CO #4		\$69,127.00	0.47%					
CO #5		\$103,485.00						
CO #6		\$3,180.00						
CO #7		\$276.00						
Total Change orders		\$491,559.00	3.31%					
Current Contract		\$15,341,559.00						
Loan Contingency		\$445,500.00	3.00%					
Remaining Loan Contingency		(\$46,059.00)	-0.31%					



REQUEST FOR COUNCIL ACTION

To: Mayor and Council

CC: City Clerk, Finance Dept., City Attorney, City Manager, Assistant City Manager

From: Pamela Anderson, Community Development Director

AGENDA ITEM: Renewal of contract with the Pekin Housing Authority for the Rehab Coordinator position.

AGENDA DATE REQUESTED: May 26, 2015

ACTION REQUESTED: Council approval of the Housing Rehabilitation consulting contract with the Pekin Housing Authority.

DESCRIPTION: This is a one (1) year renewal contract for the CDBG Rehab Coordinator position with the Pekin Housing Authority. The City of Pekin has participated with the Pekin Housing Authority for the last nine years. This contract is from May 1, 2015 to April 30, 2016.

FINANCIAL IMPACT: The expense of the contract is \$2,708.34 a month, which is budgeted within the current fiscal year CDBG allocation (\$32,500 annually).

NEIGHBORHOOD CONCERNS: n/a

IMPACT IF APPROVED: The City of Pekin will enter into a contract with the Pekin Housing Authority.

IMPACT IF DENIED: The City of Pekin will renegotiate with the Pekin Housing Authority concerning the Rehab Coordinator position.

ALTERNATIVES: The City could hire a part-time employee for the rehab program duties.

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: *Pamela Anderson*

Finance Department (Certification of Availability of Funds)

Carol Evans
Corporation Counsel:

City Manager:

Date:

HOUSING REHABILITATION CONSULTING CONTRACT

This contract is made and entered as of the first day of May, 2015, by and between the CITY OF PEKIN, an Illinois municipal corporation ("Pekin"), having an office at 111 S. Capitol Street, Pekin, Illinois 61554, and the Housing Authority of the City of Pekin ("Consultant") having an office at 1901 Broadway Road in Pekin, Illinois.

Article 1 Statement of Work

Consultant shall render to Pekin the services described in Exhibit A, attached hereto and made a part hereof.

Consultant shall perform such services with all due diligence and within time frames established by HUD guidelines. The services shall be performed in a professional and businesslike manner in accordance with recognized professional standards and shall be in accordance with such requirements or restrictions as may be lawfully imposed by any governmental authority. The services shall be completed to Pekin's satisfaction. Pekin and Consultant agree to all of the terms and provisions of the Exhibit attached hereto, which is considered part of this Contract.

Article 2 Contract Price

Upon submission of invoices by Consultant as required herein, Pekin shall pay Consultant for the performance of this Contract at a rate of \$2,708.34 per month (\$32,500.00 annually).

The scheduled payments include the cost of all labor, equipment, and materials required to complete the services described in Exhibit A, and all federal, state and local taxes, charges and excises applicable to the services. There is no minimum that Pekin is required to pay under this Contract.

Article 3 Billing and Payment

Consultant shall submit invoices for all services performed under this Contract. Invoices against this Contract shall indicate the services performed for which billing is rendered, shall separately identify any taxes

included in the contract price, shall include Consultant's tax identification number, shall specifically identify this Contract, and shall be submitted in duplicate to Pekin at its address listed above, attention Pamela Anderson, Community Development Coordinator. Payment shall be rendered within thirty (30) days of invoicing and/or acceptance or approval by Pekin of reports, drawings, change orders, and inspections. Final payment shall be made upon completion to Pekin's satisfaction of the services.

Article 4 Duration

This Contract applies to all work performed by Consultant which is described in Exhibit A, and shall terminate on whichever is earlier of April 30, 2016, or the date as of which Pekin notifies Consultant in writing that its services under this contract have been completed.

This Contract may be terminated by Pekin for its convenience at any time in whole or in part. In the event of any such termination, Consultant shall be entitled to payment for services rendered prior to the effective date of termination, and in the event payments made by Pekin to Consultant exceed reasonable compensation for services rendered prior to the effective date of termination, Consultant shall refund to Pekin the difference between the amount paid and the amount of reasonable compensation.

Article 5 Representatives

The Contract Representatives of the parties are identified below. The parties may designate another representative in writing from time to time.

Consultant's Representative is:

Dennis D. Green
Executive Director
1901 Broadway Road
Pekin, IL 61554
Telephone (309) 346-7996
Fax (309) 346-7457

Pekin's Representative is:

Darin Girdler
City Manager
111 S. Capitol
Pekin, IL 61554
Telephone (309) 477-2300
Fax (309) 346-2095

Article 6

Title to Material

All right, title and interest in and to all work and work products developed or produced under this Contract whether in the form of reports, charts, outlines, specifications, drawings, sketches, models, samples, data, computer programs, documentation or other technical or business information, and all right, title and interest in patents, copyrights, trade secrets, trademarks and other intellectual property derived from such work and work products are hereby assigned by Consultant to Pekin. All work and work products prepared for Pekin under this Contract shall be delivered to Pekin as required herein or on termination or completion of this Contract, whichever is earlier, unless Consultant is requested in writing to do otherwise. Consultant agrees, upon request of Pekin, to require any of its personnel developing or producing work or work products under this Contract to execute an assignment of same to Pekin in a form provided by Pekin. All such work and work products prepared for Pekin under this Contract shall be considered "work made for hire" to the extent allowed by law.

Article 7

Confidential Information

Any plans, reports, outlines, specifications, drawing, sketches, models, samples, data, computer programs, work, work product, documentation, or other technical or business information ("Information") furnished or disclosed by Pekin to Consultant hereunder or that Consultant becomes aware of in connection with rendering services hereunder is the property of and shall be deemed confidential to Pekin and shall be returned to Pekin at the conclusion of this Contract, or shall be destroyed if Pekin shall so direct in writing. Unless such information was previously known to Consultant free of any obligation to keep it confidential or is subsequently or was previously made public by Pekin or by a third party having legal right to make such disclosure, it shall be held in confidence by Consultant and shall be used by Consultant for the purposes hereunder. Consultant shall obligate each of its employees, agents and subcontractors to keep such Information confidential in accordance with the foregoing requirements.

Article 8

Consultant's Information

No information furnished or disclosed by Consultant to Pekin under this Contract or in contemplation thereof shall be considered by Consultant to be confidential or proprietary information of any person other than Pekin.

Article 9

Relationship

Consultant shall exercise full control and direction over the employees of Consultant performing the services covered by this Contract. Any changes in personnel that may be reasonably requested by Pekin through its Representative, whether relating to the number of employees assigned to the work or the acceptability of particular employees, shall be made as soon as possible.

Neither Consultant nor its employees or agents shall be deemed to be Pekin's employees or agents. Consultant is an independent contractor for all purposes and at all times and is wholly responsible for the withholding and payment of all federal, state and local income and payroll taxes with respect to its employees, including contributions from them as required by law.

Article 10

Indemnity

TO THE EXTENT NOT PROHIBITED BY LAW, CONSULTANT SHALL INDEMNIFY, DEFEND, AND SAVE PEKIN AND ITS OFFICERS, EMPLOYEES, AND AGENTS HARMLESS FROM ALL LOSSES, DAMAGES, CLAIMS, DEMANDS, SUITS, LIABILITIES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT ARISE OUT OF OR RESULT FROM INJURIES TO OR DEATH OF ANY PERSON OR DAMAGE TO PROPERTY WHICH MAY, OR BE ALLEGED TO, IN ANY WAY ARISE OUT OF OR BE OCCASIONED BY CONSULTANT'S PERFORMANCE OR NON-PERFORMANCE OF THIS CONTRACT. CONSULTANT'S OBLIGATION TO INDEMNIFY, DEFEND AND SAVE HARMLESS INCLUDES FROM ALL LOSSES, DAMAGES, CLAIMS, DEMANDS, SUITS, LIABILITIES AND EXPENSES ARISING OR RESULTING, OR ALLEGED TO ARISE OR RESULT, FROM ANY MANNER OR COMPARATIVE, JOINT OR CONCURRENT NEGLIGENCE OF PEKIN, BUT DOES NOT INCLUDE

THOSE RESULTING FROM PEKIN'S WILLFUL MISCONDUCT OR
SOLE NEGLIGENCE.

Article 11 Insurance

Prior to the commencement of work under this Contract, Consultant shall have, and shall maintain during the terms of this Contract (1) Comprehensive General Liability (CGL) insurance including Personal Injury, Blanket Contractual, and Broad Form Property Damage with limit of at least \$1,000,000 combined single limit for bodily injury and property damage for each occurrence, (2) Professional Liability Insurance with a limit of at least \$250,000 for each occurrence, (3) Worker's Compensation insurance as prescribed by the law of the state in which the work is being performed including employers' liability coverage with limits of at least \$500,000 each accident, and (4) Comprehensive Automobile Liability coverage if use of vehicles is required in the performance of the work with a limit of \$1,000,000 combined single limit for bodily injury and property damage each occurrence. The above insurance will designate Pekin as an additional insured and shall contain a standard cross-liability clause setting forth that Pekin, as an additional insured, will be treated as though a completely separate policy of insurance had been issued to Pekin. Consultant agrees that Consultant's insurer(s) and anyone claiming by, through, under or in Consultant's behalf shall have no claim, right of action or right of subrogation against Pekin based on any loss or liability insured against under the foregoing insurance. Consultant shall furnish, prior to the start of work, certificates of the foregoing insurance satisfactory to Pekin's Representative which shall contain a clause stating that Pekin is to be notified in writing at least thirty (30) days prior to cancellation of or any material change in the policy. The coverage provided by Consultant shall be primary and any other insurance of Pekin is excess and non-contributory. Certificates of CGL insurance shall also set forth in full the cross-liability clause. Pekin shall not be required to make any payments under this Contract prior to receipt of such certificates of insurance.

Article 12 Records

Records supporting all of Consultant's invoices, including charges for labor, equipment, materials, and other disbursements, shall be kept on a

generally accepted accounting basis, and shall be available to Pekin or its Representative during normal business hours for a period of five years after final payment has been made by Pekin or for a period of five years after final adjustment of payments following termination as otherwise provided herein, whichever is later.

Article 13

Assignment and Subcontracting

This Contract is for personal services and may not be delegated or assigned by Consultant. Any purported delegation of duties or assignment of rights by Consultant under this Contract is void. Consultant shall not subcontract any part of the work without the prior written consent of Pekin. Any such approved subcontracts shall provide that subcontractors are subject to all terms and conditions set forth in this Contract. All work performed by a subcontractor shall be deemed work performed by Consultant.

Article 14

Compliance with Law

Consultant shall comply, at its own expense, with the provisions of all applicable local, state and federal laws and regulations applicable to the services provided hereunder and to Consultant as an employer of labor or otherwise. Consultant shall further comply with all rules and regulations and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and others employed to render the services hereunder.

Article 15

Safety and Health

Consultant shall be responsible for the safety of the services performed under this Contract. In discharging that responsibility, it shall comply with the requirements of the Occupational Safety and Health Act of 1970, as amended, and any other federal, state, or local act or other requirement of the law affecting safety and health. Consultant shall insure that any of its personnel that enter the premises of Pekin comply with all applicable rules and regulations, security regulations and procedures, and governmental security laws and regulations.

Article 16

Written Notice

Unless otherwise provided herein, whenever notice or consent is required to be given by the terms of this Contract, it shall be in writing and shall be given to the Representatives designated under this Contract.

Article 17

Waiver

The failure of either party at any time to enforce any option, right, privilege or remedy under the terms of this Contract with respect to any breach or failure by the other party shall not be construed as a waiver of the same or any other option, right, privilege or remedy with respect to any other breach or failure by the other party.

Article 18

Severability

If one or more of the provisions of this Contract shall be invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision of this Contract, but this Contract shall then be construed as if not containing the particular invalid or unenforceable provision or provisions and the rights and obligations of the parties shall be construed and enforced accordingly. However, to the extent Article 10 would be invalid, unenforceable, void or voidable insofar as it obliges Consultant to indemnify and save harmless Pekin from its own negligence, then that Article shall be read as requiring the maximum level or type of indemnification and saving harmless (particularly with respect to Consultant's own negligence) that is permitted by applicable law.

Article 19

Survival of Obligation

The obligations of the parties under this Contract that by their nature continue beyond the expiration of this Contract shall survive any termination or cancellation of this Contract.

Article 20
Choice of Law and Venue

The construction, interpretation and performance of this Contract shall be governed by the laws of the State of Illinois. As a substantial portion of the duties and obligations of the parties created hereunder are performable in Tazewell County, Illinois, and Tazewell County, Illinois shall be the sole and exclusive venue for any litigation or other proceedings as between the parties that may be brought, or arise out of, or in connection with or by reason of this Agreement.

Article 21
Captions

The captions in this Contract are included only as a matter of convenience and shall not be construed to define, limit, enlarge or described any of the provisions contained in this Contract.

Article 22
Entire Agreement

The Contract constitutes the entire agreement between the parties with respect to the subject matter of this Contract and shall not be modified or rescinded except by a writing signed by both parties. This Contract supersedes all contemporaneous oral agreements and all prior oral and written quotations, proposals, representations, communications, agreements and understandings of the parties with respect to the subject matter of this Contract.

IN WITNESS WHEREOF, Consultant and Pekin have executed this Contract as of the date first above written.

HOUSING AUTHORITY OF
THE CITY OF PEKIN

CITY OF PEKIN, an Illinois
municipal corporation

Dennis D. Green, Executive
Director

Darin Girdler, City Manager