City of Pekin
AGENDA

REGULAR COUNCIL MEETING OF MAY 14, 2007
5:30 P.M.

I. **PLEDGE OF ALLEGIANCE**
Robbie Lange

II. **ROLL CALL**
Clerk to call the Roll

III. **APPROVAL OF MINUTES**
ACTION: *Motion to approve minutes of Regular Council Meeting of April 23, 2007.*

VOTE REQUIRED

IV. **ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL**
Council Members

Presentations

V. **ADJOURN SINE DIE**

SWEARING IN OF NEWLY ELECTED COUNCIL

REGULAR COUNCIL MEETING OF MAY 14, 2007

I. **PLEDGE OF ALLEGIANCE**

II. **ROLL CALL**
Clerk to call the Roll

III. **APPROVAL OF AGENDA**
ACTION: *Motion to approve the meeting agenda.*

VOTE REQUIRED

IV. **PUBLIC INPUT ON AGENDA ITEMS**
Speakers to state name, address, and spell last name. Questions unrelated to agenda items are accepted during "Public Questions" near the end of the meeting.

V. CONSENT AGENDA

1. **Monthly Reports and Minutes:** Liquor Commission Minutes March 22, 2007, April Police Report, April T/PCCC Report, Traffic Safety Committee Minutes May 4, 2007

2. **Proclamation: "Nursing Home Week" May 13-19, 2007**

3. **Charitable Solicitation: Benefit for Lynda Martin Saturday June 16, 2007**

4. **Receive and File Correspondence from Insight Communications regarding change from LocalSource to TV Guide for onscreen guide**

ACTION: *consideration of consent agenda items by omnibus vote after items are read and presented by the Mayor.*

VOTE REQUIRED TO APPROVE CONSENT AGENDA

VI. NEW BUSINESS

1. **Amendment to Agreement with the Hanson Professional Services** **(JW)**
DESCRIPTION*: Change order request for engineering services in the design of the extension of Hanna Drive. Additional report items required by IDOT for TARP grant and requested study of the rail spur increased scope of work $15,000.00 to the original $105,000.00.*

ACTION: *Motion to approve agreement in the amount of $15,000.00.*

VOTE REQUIRED

2. **Estoppel Certificate for Byerly Aviation, Inc. and AFCO/Quantem FBO Services, LLC**
DESCRIPTION*: Request for Estoppel Certificate at Pekin Municipal Airport as a result of merger.*

ACTION: *Motion to approve Estoppel Certificate.*

VOTE REQUIRED

3. **Bid and Award of Street Sweeper Purchase** **(JW)**
DESCRIPTION*: Request to authorize staff to enter into a contract with Key Equipment & Supply Co. to purchase an Elgin Pelican P model three wheel broom street sweeper with belt conveyor in the amount of $154,415.00.*

ACTION: *Motion to accept the bid of Key Equipment in the amount of $154,415.00.*

VOTE REQUIRED

4. **Intergovernmental Agreement with the City of Peoria for Heat and Scarify Project** **(DP)**
DESCRIPTION*: Participate in the Joint Bid with the City of Peoria for the Heating & Scarifying of specific Pekin streets. The work is to be conducted by National Heat Treating & Asphalt and the City of Pekin's portion is $107,761.02. This participation is subject to the City of Peoria's award of the contract.*

ACTION: *Motion to approve agreement.*

VOTE REQUIRED

VII. ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council members

Staff (announce City Auction May 26, 2007 Service Center Building)

Public Questions

Press Time

VIII. EXECUTIVE SESSION

Sale of Real Estate 5 ILCS 120/2 (c) 6.
Purchase of Real Estate 5 ILCS 120/2 (c) 5.

ACTION: *Motion to move to executive session for the purpose of discussing the sale and purchase of real estate.*

VOTE REQUIRED

IX. ADJOURNMENT

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

NO VOTE REQUIRED

****

PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY APRIL 23, 2007 AT 5:30 O'CLOCK P.M.
FRANK H. MACKAMAN * MAYOR * PRESIDING

PRESENT: COUNCIL MEMBERS, BLANCHARD, JONES, AND MADDOX

ABSENT: COUNCIL MEMBER KORTKAMP
****

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

Roll was called and all Council Members were present except Council Member Kortkamp. A quorum was present.

Mayor Mackaman explained that Council Member Kortkamp had a longstanding obligation out of the state prior to her recent appointment to the Council. The Mayor also congratulated the candidates on election to office and commended the voters for exercising their civic right to vote.

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

Minutes
Mayor Mackaman noted that minutes were not necessary for the Special Candidate Forum of April 11, 2007 at which no two members of Council were in attendance. Motion was then made by Council Member Jones, seconded by Council Member Maddox, that the **Minutes of the Regular City Council Meeting of April 9, 2007 and the Special Council Meeting – Derby Street Walk of April 10, 2007, be approved as written.** On roll call vote, all present voted Aye.

Public Input on Agenda Items
The following persons addressed Council on an amendment to the Code to establish a program for rental property. Objections of being unnecessary and a government intrusion were heard regarding the registration of contact information of landlords' properties. Mr. Stropes voiced concern that phone numbers of landlords would become public information. He felt the law was written against landlords for tenants' protection but submitted photographs of tenants' destruction to support landlord concerns. Mr. Stoneburner told Council he had no problem providing information, rather he objected paying $25.00. Some objectors stated the $25.00 registration fee would be passed on to the renters. Drew Leman appreciated the less intrusive version of the drafted ordinance, revised to not include inspections of property.

Richard Stropes, Real Estate Property Management Company
Frank Noyes, 312 N. Parkway Drive
Jerry Stoneburner, 2719 Overhill Drive
Drew Leman, Monge Property Management
Michael Poole, 13694 Egg Ranch Road
Jerry Witzig, 11501 Antioch Road Tremont
Larry Mayberry, 2106 Vista Del Rio

Ron Rowell of R. A. Cullinan and Son, 46 Sapphire Point Morton, addressed Council regarding the request to award the annual street maintenance bid to other than a company that had done the seal coating for the City for years. He defended the product his company used and questioned whether Steffen's 3-D Construction used state approved black rock.

Justin Napier 2320 Creve Coeur St. Louis Missouri, who represented the supplier of rock through a license agreement with R.A. Cullinan, supported Mr. Rowell's defense of the company.

Consent Agenda

Mayor Mackaman presented and read the following items under Consent Agenda. **Motion by Council Member Blanchard, seconded by Council Member Maddox that the Consent Agenda be approved as presented.**

1. **Monthly Reports and Minutes: Traffic Safety Minutes April 6, 2007, Advisory Committee for Persons with Disabilities Minutes February 9, 2007, March 8, 2007, T/PCCC March Report, Inspections Minutes April 18, 2007**

2. **Proclamation:**

Proclamation:	**"Motorcycle Awareness Month"**	**May 2007**
	"AMBUS Week"	**April 30, 2007 - May 4, 2007**
	"Pekin Dragon Pride Week"	**April 29-May 5, 2007**
	"Building Safety Week"	**May 6-12, 2007**
	"Poppy Days" American Legion	**May 24-26, 2007**
	"Goodwill Industries Week"	**May 6-12, 2007**

3. **Resolution No. 194-06/07 – Appointments to the Riverway Business Park Review Committee**
   Mayor noted Joe Wuellner and Paul Desjardins were appointed to a term ending November 23, 2010.

4. **Resolution No. 195-06/07 – Executive Session Minutes**

5. **Receive and File Zoning Board of Appeals Minutes Dated April 11, 2007**

6. **Receive and File Pekin Planning Commission Minutes Dated April 11, 2007**

On roll call vote, all present voted Aye.

Communications, Petitions, Reports

MONTHLY FINANCE DEPARTMENT AND TREASURER REPORT

Angie Evans, Assistant Finance Director presented the last of the fiscal year budget review summary. It was reported that after 11 months the department budgets were on target. All accounts had been reconciled. Treasurer Chic Renner reported that actual interest income was $978,742 and reserve balances in the general fund represented approximately 4.6 months. He stated average rate on debt was 3.71%. He felt that the percentage, which correlated to total debt per resident of $152.50, was reasonable. Other notes of information given for year end were that bank accounts were reduced from 20 to 12, saving many service charges and average checking balances reduced from $2.3 million to $1.5 million. Mr. Renner was pleased with the average return on investments of $5.34%.

New Business

<u>ORDINANCE NO. 2521-06/07</u>

AMENDING TITLE 4, CHAPTER 11 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING REGISTRATION OF RENTAL PROPERTY IN THE CITY OF PEKIN

Motion by Council Member Blanchard, seconded by Council Member Maddox, that Ordinance No. 2521-06/07 be adopted. Discussion followed on the proposal to establish a program to require owners of rental property to register and provide contact information. Public Works Director Joe Wuellner responded to Council's question as to the reason for the $25.00 one-time fee per lot. He stated the fee was set to cover the salary of an employee to enter the data. Mayor Mackaman reiterated that it cost the City $48,788.00 to clean up properties of owners who could not be reached. Council Member Blanchard spoke in support of the ordinance in order to address the real problems that exist with rental properties. Council Member Jones spoke in opposition, stated the ordinance was non enforceable, and would create further expense to taxpayers because of the increase in employee work. He felt that junk vehicles should be cleaned up before the inspections department worried about rental properties. Council Member Maddox stated the ordinance was fair and addressed the issues. On roll call vote; Ayes, Blanchard, Maddox, Mackaman; Nay, Jones. Motion carried.

Motion by Council Member Maddox, seconded by Council Member Blanchard, that the **BID FOR THE ANNUAL STREET MAINTENANCE BE APPROVED AND THE CONTRACT AWARDED TO STEFFEN'S 3-D CONSTRUCTION INC. IN THE AMOUNT OF $577,838.22**. Discussion followed regarding the hiring of non-union labors and quality of materials used. Council was told the award was being recommended to the low bidder that met all city and IDOT requirements as a responsible bidder and that they paid prevailing wage. Council Member Maddox stated he was prepared to vote no because of unanswered questions of approved rock, testing results for specific gravity, prevailing wage, and differences in prices. Because of the language in the City's own Prevailing Wage Resolution he stated he would have to vote to approve the low bid. Council Member Jones requested to redid the project because estimates were felt to be on two different rock materials. Council Member Blanchard questioned how the bid could be so low. He disapproved of non-union labor, but explained that he would vote to award the project to Steffen's. Public Works Director Joe Wuellner addressed the critical issue of timing in rejecting all bids and the detrimental effect on the 5-year street maintenance cycle. Mayor Mackaman declared that the City had a process of bidding in place, the bidders followed the process in good faith, and that the Council should act accordingly. On roll call vote; Ayes, Blanchard, Maddox, Mackaman; Nay, Jones. Motion carried.

Motion by Council Member Maddox, seconded by Council Member Jones, that the **REQUEST FROM MILLIKEN UNIVERSITY FOR A TOURISM GRANT FOR NCAA DIVISION III SOFTBALL TOURNAMENT BE APPROVED IN THE AMOUNT OF $2,135.33**. Staff recommended an amount for a Visitors Bureau Grant based on eligible expenses only. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL
Mayor Mackaman complimented Council Member Blanchard's choice in wearing a bow tie. The Mayor commented on the impressive Winpak facility in the Riverway Business Park following an open house that he attended. He expressed appreciation to past Councils for their vision in constructing the business park.

Council Member Maddox urged the incoming Council to address the issue of payment of benefits in the City's Prevailing Wage Resolution.

Congratulation was extended to Council Member Jones on his reelection. Council Member Blanchard also expressed appreciation to Council Member Maddox for his leadership over the four years.

Police Chief Gillespie announced the retirement of officers Mark Williams and Roger Davis. Fire Chief Chuck Lauss announced the retirement of firefighters Harry Clor and John Abel, both 30 year employees.

Robert Moore, 20 Olympia Fields, made a request for Council to consider renaming the Pekin Municipal Airport after John C. Kriegsman.

Motion by Council Member Maddox, seconded by Council Member Blanchard, that Council move to Executive Session at 7:20 P.M. to discuss Personnel – Performance of a specific employee of the public body
5 ILCS 120/2 (c.) 1. and Sale of Real Estate 5 ILCS 120/2 (c.) 6. On roll call vote, all present voted Aye.

(Note motion to discuss Sale of Real Estate was not necessary)

No further business to come before the Council, Mayor Mackaman called the meeting closed.

COUNCIL ADJOURNED AT 7:20 P.M.

Sue E. McMillan
City Clerk

City of Pekin

LIQUOR COMMISSION MINUTES
THURSDAY, MARCH 22, 2007
4:00 P.M.
CITY HALL COUNCIL CHAMBERS

Chairman Dave Eitenmiller called the meeting to order at 4:00 p.m.

PLEDGE of ALLEIGENCE

ROLL CALL
The following members were present for roll: Dave Eitenmiller, Gary Allen, Fire Chief Chuck Lauss, and Police Chief Gillespie. Also present: Rick VonRohr, Liaison Officer. Absent: Holly Brown, John McCabe, and Roy Bockler

APPROVAL OF AGENDA
Motion by Lauss seconded by Gillespie that the Agenda be approved as presented. Motion passed.

APPROVAL OF MINUTES
Motion by Gillespie seconded by Lauss to approve the February 22, 2007 minutes as presented. Motion passed.

PUBLIC INPUT/COMMENTS/QUESTIONS
Nothing at this time.

NEW BUSINESS
Check Sheet was passed out. Discussion followed: Add date at the bottom of page when revised. Motion made by Allen, seconded by Gillespie that the Check Sheet presented be approved. Motion passed.

ANY OTHER BUSINESS TO COME BEFORE THE COMMITTEE
Liquor Liaison VonRohr passed out handouts on his request from Chairman Eitenmiller to do a walk-through for a "view of the street" on private service clubs. Discussion followed: Clubs are exempt from "view from the street" in the Liquor Code. Gillespie to call Elk's Lodge regarding their "view from the street".
VonRohr reported there were 3 Failure to Report Fights and police report copies were distributed to Liquor Commissioner, Police Chief and City Attorney. City Attorney Bosich is on vacation and is due to return next week. If all works out there with the Attorney on filing the Hearing's will be on Thursday, April 19th, one week earlier since the Liquor Commissioner is not available on the 26th, our regularly scheduled meeting.
VonRohr stated he rec'd a call on Generations Lounge that they were holding Poker Tournaments on Tuesday evenings at 11:00pm. VonRohr went to Generations and there was no such tournament or card playing going on. Jim Olt, Liquor Licensee, was advised they cannot hold poker games at their establishment.

Gillespie stated he checked with Attorney Bosich and checked the Liquor Code on what authority, duties and powers the Liquor Commission has. The Liquor Commission does not have the authority to request an investigation. The Liquor Commissioner has the authority. Eitenmiller explained he thought the Council gave him such authority. He explained that he thought since VonRohr was the Commissions Liquor Liaison that as Chairman, he could request such permission. Gillespie stated they have a protocol of "Chain of Command" and that such request should go before the Liquor Commissioner and then through Chief of Police.

Motion made by Allen, seconded by Lauss to adjourn the meeting.

Meeting adjourned at 4:30P.M. Respectfully submitted Paula Gensel

City of Pekin

Police Department

PEKIN POLICE DEPARTMENT
END OF MONTH REPORT FOR APRIL 2007

	APRIL 2007	MARCH 2007	APRIL 2007
TRAFFIC TICKETS	343	508	435
WARNING TICKETS	327	472	458
OFFENSES	517	573	583
ARRESTS	272	261	261
PARKING TICKETS	632	407	291
STOPS	728	763	836

Breakdown of Parking Tickets

Abandoned Vehicle	1	0	0
Fire Lane	0	0	0
No Parking Light	349	0	0
Handicapped	9	8	9
Improper Parking	33	9	7
Restricted Parking	213	359	250
No Parking Zone	21	16	7
Fire Hydrant	0	0	2
Meter Violation	6	15	16
Snow Ban	0	0	0
TOTAL	801	407	291

Tazewell / Pekin Consolidated Communications Center
1130 Koch St. Pekin, IL 61554 • Office (309) 478-5410 Fax (309) 477-2302

TPCCC MONTHY STATISTICAL REPORT

Month APRIL 2007

Number of phone calls received 23,760

Number of 9-1-1 Calls 1727

Number of calls dispatched (all agencies) 4733

***= Included in total # 0f calls received**

Additional Comments:

MANAGEMENT CERTIFIED IN FEMA ICS 300/400 "COMMAND AND GENERAL STAFF"

Steven F. Thompson, ENP
Director

CITY OF PEKIN TRAFFIC SAFETY COMMITTEE MINUTES
MAY 4, 2007
CITY HALL CONFERENCE ROOM

PRESENT: Dave Pagliaro, Joe Wuellner, Chuck Lauss and Joe Berardi. Also present was Ted Miller, Frank Mackaman, Dennis Conover, Jim Unsicker and Lee Ann Wrhel.

Old Business:

1. *Restricted Parking*
   Held over.

2. *Parking at SW corner of McKenzie Building*
   Coroner parking space
   Mayor Frank Mackaman, Coroner Dennis Conover and Jim Unsicker attended the meeting to address this matter. Mayor Mackaman brought forth points of public concern: 1) uniformity in parking allocation, 2) legality of parking space and 3) scarcity of handicapped parking around the Courthouse. The Mayor asked the committee to resolve this matter at this meeting. Coroner Conover asked the committee to allow two vehicles to be parked at the current location. The parking space is currently striped for one vehicle. The committee will measure to determine the proper placement of the parking space or spaces at the southwest corner of the McKenzie Building. The committee will also determine placement of a handicapped parking space around the Courthouse.

3. *Obstructed view – Capitol & Elizabeth – Elizabeth and 4th*
   The committee will physically go out to these locations to determine the solution to the obstructed view issue.

4. *Obstructed view – parking space – LaVilletta Restaurant*
   Ron Sieh talked to the restaurant owner. The owner will reconfigure the parking space.

New Business:

1. *IDOT Traffic Safety Meeting May 22, 2007*
   Joe Wuellner will attend this meeting.

2. *Request for Deaf Child sign at 1352 Georgeanne Dr.*
   The proper paperwork has been submitted. The sign will be installed.

3. *Request for no parking on 14th from Broadway to Royal*
   The committee will research to determine if there is documentation of an agreement in writing. At this time, the matter will remain as it is.

4. *Parking issue Cypress at Willow*
   Police Department will go out to see if the motorhome is being parked at that location for an extended period of time.

5. *Request for 3-way Stop sign Kennedy at N. 11th*
   Marilyn Messmer, 1008 Kennedy Drive, 267-4630, attended the meeting to voice her concerns regarding the increase in traffic in her neighborhood. The intersection will be reviewd to determine whether or not it meets the standard criteria for placement of a stop sign. The committee will get back to her regarding this matter.

6. *Request for stop signs Northgate at Westgate and Northgate at Georgeanne*
   The intersections will be reviewed to determine whether or not they meet the standard criteria for placement of a stop sign.

7. *Traffic coming onto Amanda at North 9th Street*
   The committee will go out to 1419 N. Ninth to review the situation and bring the matter to the next meeting for a recommendation.

Around the Table:

Chuck Lauss requested replacement of the faded “No Parking” signs at Entrance Drive.

Joe Berardi reported that the view to the left at the South 6th Street at Koch Street intersection is obstructed by a large bush. Dave Pagliaro will check the intersection and will take the necessary steps to resolve the matter.

Joe Berardi also reported that he is still getting complaints regarding cars parked on sidewalks and in yards. He was asked to encourage the complainants to call these matters in to be resolved.

Respectfully Submitted,
Lee Ann Wrhel

NEXT REGULAR MEETING JUNE 1, 2007 @ 8:30 A.M.

WHEREAS, *the aging of America is placing new demands on long-term providers, and nursing home care is an integral part of America's health care system; and*

WHEREAS, *today's nursing homes provide specialized services to both young and old, offering rehabilitative, subacute, personal, hospice, and respice care; and*

WHEREAS, *today's nursing homes offer 24-hour medical nursing and psycho-social care to individuals who are too frail or ill to live independently; and*

WHEREAS, *families, communities, and individuals residing in nursing homes depend on long-term care providers for support and education about how to meet their long-term care needs; and*

WHEREAS*, members of the American Health Care Association and the Georgia Nursing Homes Association proudly sponsor National Nursing Home Week 2007 – "Treasure Our Elders" and invite the citizens of Pekin to visit nursing facilities to benefit from the knowledge and experience of their staff, residents, family members and volunteers.*

NOW, THEREFORE, BE IT RESOLVED *I, FRANK H. MACKAMAN, Mayor of the City of Pekin, do hereby proclaim the week of May 13th through May 19th, 2007, as*

"NURSING HOME WEEK"

in the City of Pekin, Tazewell County, Illinois, and encourage our community's citizens to honor and serve the individuals who laid the foundations of Pekin by participating in this year's observance at one of our town's nursing facilities.

ADOPTED, *the 14th of May in the Year of Our Lord, Two Thousand and Seven.*

____
FRANK H. MACKAMAN
Mayor

ATTEST:

____
SUE E. MCMILLAN
City Clerk

CHARITABLE SOLICITATION

1. DATE SUBMITTED: 5/9/07

2. WHO IS IN CHARGE OF THIS GROUP? Tiffany Flinn 231-148?
Susan Hale 347-4095 Becky Bailey 642-1935
Jessica Evans 232-5818

3. SPECIFICALLY WHERE IN THE PEKIN AREA IS YOUR GROUP STAYING, SO IF NECESSARY CONTACT CAN BE MADE WITHIN A TWELVE HOUR PERIOD.
805 Charles St. Pekin

4. EXPLAIN BRIEFLY HOW YOU WILL BE OPERATING, ie. COLLECTING DOOR TO DOOR AT RESIDENCES, CALLING ON BUSINESSES; IF OFFERING MERCHANDISE FOR SALE, STATE WHAT THE MERCHANDISE IS AND THE PRICE ASKED.
Asking for Donations Door to Door to Raffle at Benifit

5. SUPPLY THE FOLLOWING INFORMATION FOR EACH MEMBER OF THE GROUP, INCLUDING WHO IS IN CHARGE.

NAME (Last) (First) (Middle)	DATE OF BIRTH	FULL NAME, RELATIONSHIP & FULL ADDRESS OF NEXT OF KIN
Flinn Tiffany J	2/13/83	
Hale Susan		
Bailey Becky		
Evan Jessica		

Benefit for Lynda Martin

Lynda is afflicted with
Lung Cancer, Brain Cancer,
Spinal Cancer, and Liver Cancer.

Saturday, June 16
at
Connie's Southtown Bar
Starting at noon

50/50 Drawing

Raffle

T-Shirts

Food!

Any and all
Donations & Raffle Purchases,
Please Contact
***Tiffany Flinn* at (309) 231-1487**

Insight

received
5/7/07 - DK
5/14/07 Lo...
Ag. Re

May 2, 2007

City Manager Dennis Kief
111 S. Capitol Street
Pekin, IL 61554

Dear City Manager Kief,

In our continuing effort to keep you informed, Insight would like to let you know that around June 6, 2007, we will be making a change to the onscreen guide that some of our **digital video customers** use. TV Guide will replace LocalSource, which is being phased out by the company that provides the technology to Insight. The benefits of the change to TV Guide include being able to:

- View more listings when channel surfing.
- Search and navigate faster.
- Listen to one channel while surfing for another.
- Conveniently scroll through the mini-guide while watching a program (so you can look for something better to watch).
- Get quicker access to On Demand selections and so much more.

For those customers who enjoy LocalSource, it will be made available on the web at www.InsightLocalSource.com

Customers will receive written notification and will not have to take any action to receive the TV Guide digital guide. Once again, this will only affect some of our digital customers and there will be no change in price as a result of this switch.

As always, please feel free to contact me should you have any questions or concerns regarding cable television service.

Sincerely,

Kim Sheetz

Kim Sheetz
Peoria District Public & Gov't.
Affairs Manager

Peoria District Community & Public Affairs ♦ Kim Sheetz
Serving the communities of and near Peoria, Pekin, Morton, Bloomington/Normal, Galesburg, Monmouth & Knoxville, IL
1970 N. Henderson St. ♦ Galesburg, IL ♦ 61401
309.342-9203 ♦ Fax 309. 344-5173 ♦ sheetz.k@insightcom.com

REQUEST FOR COUNCIL ACTION

To: **Council Members**

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

From: **Joe Wuellner**

AGENDA ITEM: Amendment to Owner-Engineer Agreement

AGENDA DATE REQUESTED: May 14, 2007

ACTION REQUESTED: Approval of Amendment to the agreement with Hanson Professional Services for $15,000.

BACKGROUND: Hanson is providing engineering services for the design of the extension to Hanna Drive. As the result of being awarded a grant through IDOT for the Truck Access Route Program (TARP), additional reports were required by IDOT for the project. This along with a requested study on the railroad spur that services Hanna Steel, Hanson has provided these additional support items which are beyond the original scope of work.

FINANCIAL IMPACT: Adds additional $15,000 to the original amount of $105,000 bringing the total to $120,000. AE FY08 budget (445)

NEIGHBORHOOD CONCERNS: None.

IMPACT IF APPROVED: Compensates Hanson for work performed to keep the project on schedule and to meet EDA requirements for keeping documentation current.

IMPACT IF DENIED: Will not meet EDA requirements and owe for work performed.

ALTERNATIVES: Return both the EDA and TARP grants.

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Prosperous Community by providing improved access to the Riverway Business Park.

REQUIRED SIGNATURES		
Department Director	Joseph Whallon	4/30/07 Date
Finance Department	Angela Evans (Certification of Availability of Funds)	4-30-07 Date
Corporation Counsel	(Certification of Review)	Date
City Manager	Dennis Kirk	5-9-07 Date

HANSON

LETTER OF TRANSMITTAL

TO:	City of Pekin	DATE: 4/25/07	PROJECT NO. 06P2024
	111 South Capitol Street	ATTENTION: Mr. Joe Wuellner, P.E.	
	Pekin, Illinois 61554	RE: Hanna Drive Extension	

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via ______ the following items:

☐ Shop drawings ☐ Prints ☐ Reproducible ☐ Sketches ☐ Specifications

☐ Copy of letter ☐ Change order ☐ Calculations ☐ Other

COPIES	DATE	NO.	DESCRIPTION	ACTION
4	4/24/07		Agreement Amendment	

THESE ARE TRANSMITTED as checked below:

A ☒ For approval
F ☐ No exceptions taken
J ☐ Rejected - see remarks

B ☒ For your use
G ☐ Furnish as corrected
K ☐ Submit
☐ Copies for distribution

C ☐ As requested
H ☐ Revise and resubmit
L ☐ Return
☐ corrected prints

D ☐ For review and comment
I ☐ Submit specified item
M ☐ Other - see remarks

E ☐ FOR BID DUE ______
N ☐ **RETURNED PRINTS AFTER LOAN TO US**

REMARKS

Please send one signed Agreement Amendment to me.

COPY TO: File,

SIGNED: Lucinda A Loos

Lucinda A. Loos, P.E.

If enclosures are not as noted, please notify us at once.

Hanson Professional Services Inc.
2900 West Willow Knolls Road • Peoria, IL 61614-1129 • Phone (309) 691-0902 Fax (309) 691-1327

SUGGESTED FORMAT
(for use with E-500, 2002 Edition)

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated October 24, 2006.

AMENDMENT TO OWNER-ENGINEER AGREEMENT

1. Background Data:

   a. Effective Date of Owner-Engineer Agreement: October 24, 2006

   b. Owner: City of Pekin

   c. Engineer: Hanson Professional Services Inc.

   d. Project: Hanna Drive Extension

2. Nature of Amendment

   X Additional Services to be performed by Engineer

3. Description of Modifications

   Attachment 1, "Modifications"

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is April 24, 2007.

OWNER:	ENGINEER:
City of Pekin	Hanson Professional Services Inc.
By:	By: Lucinda A Loos
Title:	Title: Vice President
Date Signed:	Date Signed: April 24, 2007

This is **Attachment 1**, consisting of 1 pages, to Amendment No. 1, dated April 24, 2007.

Modifications

1. Engineer shall perform the following Additional Services (amends Exhibit A, Part 1, Paragraph A1.02 A5):

   a. Perform preliminary engineering services related to raising the rail Canadian National Railway siding into Hanna Steel. Provide details to attach to the rpetition for a new at-grade crossing for Hanna Drive. After the new crossing has been approved by the Illinois Commerce Commission (ICC), the contract can be amended to add final plans for the railroad spur reconstruction.
   b. Additional environmental coordination with Illinois Department of Transportation (IDOT) due to the inclusion of Truck Access Route Program (TARP) funds. The coordination will include submitting the Environmental Survey Request Form, completing the Illinois Department of Natural Resources (IDNR) ECOCAT for endangered species sign-off, and performing a Preliminary Environmental Site Assessment (PESA) field review due to the new roadway alignment.
   c. Coordination with IDOT due to the inclusion of TARP funds. This will include submitting plans for review and approval.

2. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation: The services above will be provided for a amount equal to Engineer's Direct Labor Costs times a factor of 3.0 for the services of Engineer's employees engaged on the Project, plus Reimbursable Expenses, estimated to be $15,000.

   Therefore, the total compensation for the services rendered on the project is now estimated to be $120,000. This amends Exhibit C, Paragraph C2.01, A3.

AFCO/QUANTEM FBO SERVICES LLC
7600 COLSHIRE DRIVE, SUITE 240, McLEAN, VIRGINIA 22102
(703)902-2900 FAX (703)902-2901

SENT VIA DHL EXPRESS

April 27, 2007

Mr. Frank H. Mackaman, Mayor
City of Pekin
111 South Capitol Street
Pekin, IL 61554

Re: Ground Lease Agreement for FBO with Byerly Aviation, Inc.
at the Pekin Municipal Airport

Dear Mayor Mackaman,

Pursuant to the Agreement between CITY OF PEKIN/CITY OF PEKIN AIRPORT COMMISSION and BYERLY AVIATION, INC. dated January 1, 2001, Section 10- Sublet Clause, **AFCO/Quantem FBO Services, LLC** (AFCO/QFS) is formally requesting approval for the merger of substantially all of the company's Membership Interests from our current group of private, individual investors with **DB AFCO LLC, a subsidiary of Fortress Investment Group (FIG)** that will be owned by a combination of the Drawbridge Long Dated Value Funds (LDVF's). Pertinent information about both FIG and the LDVF's is as follows:

Fortress Investment Group (NYSE: FIG)

- Fortress Investment Group ("Fortress") is a publicly traded global alternative investment manager founded in 1998 with approximately $30.0 billion in capital under management
- Capital under management is broadly divided across three platforms - Hedge Funds ($9.4 billion), Private Equity ($17.3 billion) and Castles ($3.0 billion)
- Fortress has over 550 employees with headquarters in New York and affiliates with offices worldwide

Private Equity - Long Dated Value Funds

- AFCO/QFS's assets will be included in the Drawbridge Long Dated Value Funds ("LDVF's") which are included in the Private Equity platform
- The LDVF's have a life of 25 years

- The LDVF's invest in long dated assets and other opportunities offering limited downside risk and the potential for significant growth over time
- The LDVF's benefit from the resources, relationships and infrastructure of Fortress
- The Long Dated Value Fund I (LDVF I) closed in April of 2005 with capital commitments of approximately $225 million
- The Long Dated Value Fund II (LDVF II) closed in November 2005 with capital commitments of approximately $275 million
- The Long Dated Value Fund III (LDVF III), which currently has capital commitments of $275 million and expects, after an anticipated final closing in June 2007, to have approximately $350 million in capital commitments.
- The LDVF's are managed by Pete Briger who is a principal of Fortress
- Prior to joining Fortress, Mr. Briger spent 15 years at Goldman, Sachs & Co. where he was elected partner in 1996

As part of a larger transaction involving the merger of substantially all of the assets of Aviation Facilities Company, Inc. (AFCO) into DB AFCO LLC, AFCO staff will continue to operate, lease and manage the facilities. The personnel you have become accustomed to dealing with will not change, and AFCO will have the strong financial backing of a $30B investment manager, which will allow us to continue to provide quality service to our landlords, customers and employees. We view this transaction as a very positive development for all parties involved, and thank you in advance for your support and consent to the merger.

We have enclosed the Consent And Estoppel document needed to approve this transaction for your review and signature. Please do not hesitate to call me at (703) 288-8580 with any questions or concerns.

Sincerely,

AFCO/Quantem FBO Services, LLC

By: Aviation Facilities Company, Inc., Managing Member

By: F. X. Chambers

F. X. Chambers, Jr.
President & CEO

Enclosure
cc: Joe Wuellner with enclosure

CONSENT AND ESTOPPEL

WHEREAS, the City of Pekin and City of Pekin Airport Commission (collectively the "City") is the present owner and holder of the Lessor's interest in that certain lease between the City and Byerly Aviation, Inc., a Delaware corporation dated January 1, 2001 (the "Ground Lease").

WHEREAS, Byerly Aviation, Inc. (the "Company") is the present owner and holder of Lessee's interest in the Ground Lease.

WHEREAS, the sole shareholder of the Company is AFCO/Quantem FBO Services, LLC ("AFCO/QFS").

WHEREAS, the premises demised under the Ground Lease consists of facilities situated at Pekin Municipal Airport, Pekin, Illinois, and more particularly described therein (the "Premises").

WHEREAS, the Company desires to transfer by merger all of its rights, title and interests (the "Transfer") to DB AFCO, LLC, a Delaware limited liability company ("DB AFCO"), the survivor of the merger; DB AFCO shall also become a member of AFCO/QFS in the place of Aviation Facilities Company, Inc., and AFCO/QFS shall succeed to the interests of the Company and continue operations under the Ground Lease.

WHEREAS, Quantem FBO Services, LLC shall continue as a member of AFCO/QFS after the Transfer, together with DB AFCO, and shall continue to operate the FBO facilities pursuant to the Ground Lease.

NOW, THEREFORE, for and in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City agrees as follows:

1. To the extent required by the terms of the Ground Lease, the City hereby consents to the Transfer.

2. Company has paid rent and other disbursements due under the Ground Lease through April 30, 2007 and the current fixed amount due under the Ground Lease per month is One Thousand Seven Hundred Eighty Dollars and Seventy-Five Cents ($1,780.75).

3. To the best of the City's knowledge, Company is the present owner and holder of the Lessee's interest in the Ground Lease and has not executed any prior assignment of any of its rights under the Ground Lease nor granted any security interest in the Ground Lease to any other party.

4. To the best of the City's knowledge, there is presently no default on the part of Company under the Ground Lease and the City knows of no claims by third parties against the City or Company relating to the Premises.

5. To the best of City's knowledge, the Ground Lease is currently in full force and effect and has not been modified or amended.

6. The Company has paid all sums and performed all obligations which are required to be paid or performed under the Ground Lease on the part of Company as of the date hereof.

7. The cancellation, termination, or expiration of the Ground Lease shall serve to terminate the Company's rights and obligations concerning the Premises, except those rights, obligations, and remedies which pursuant to the terms of the Ground Lease expressly survive such cancellation, termination or expiration.

8. All notices pursuant to the Ground Lease shall hereinafter be sent to AFCO/QFS at the following addresses:

c/o DB AFCO LLC 1345 Avenue of the Americas 46th Floor New York, NY 10020 Phone No.: (212) 798-6050 Telecopy No.: (212) 798-6099 Attn: Glenn Cummins Attn: Constantine Dakolias	With copy to counsel: Sidley Austin, LLP 555 W. Fifth Street Suite 4000 Los Angeles, CA 90013 Phone No.: (213) 896-6000 Telecopy No.: (213) 896-6600 Attn: Stephen Blevit	c/o DB AFCO, LLC. 7600 Colshire Drive, Suite 240 McLean, VA 22102 Phone No.:(703) 288-8580 Telecopy No.: (703) 902-2901 Attn: F.X. Chambers, Jr.	With copy to counsel: Reed Smith, LLP 3110 Fairview Park Dr. Suite 1400 Falls Church, VA 22042 Phone No.: (703) 641-4220 Telecopy No.: (703) 641-4340 Attn: Carol Honigberg

9. The City is not consenting in advance to any future subleases or assignments by AFCO/QFS.

[Signatures appear on the following page]

WITNESS the following signatures, all executed pursuant to due and proper authority on behalf of the City.

Dated this _________ day of _____________, 2007.

City of Pekin Airport Commission

WITNESS/ATTEST:

By:________________________________

Name:______________________________

____

Title: ______________________________

Approved:
City of Pekin, A Municipal Corporation

WITNESS/ATTEST:

By:________________________________

Name:______________________________

____

Title: ______________________________

STATE OF ILLINOIS)
) ss
COUNTY OF ________________)

On ____________________, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared ____________________________________, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as _______________________________ on behalf of ____________________, and acknowledged to me that such __________, acting by order of and through its ______________, executed it.

Witness my hand and official seal.

____
Notary Public in and for Said
County and State

STATE OF ILLINOIS)
) ss
COUNTY OF ________________)

On ____________________, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared ____________________________________, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as _______________________________ on behalf of ____________________, and acknowledged to me that such __________, acting by order of and through its ______________, executed it.

Witness my hand and official seal.

____
Notary Public in and for Said
County and State

REQUEST FOR COUNCIL ACTION

To: **Council Members**

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

From: **Joe Wuellner**

AGENDA ITEM: **Accept Bid for Street Sweeper**

AGENDA DATE REQUESTED: 5-14-07

ACTION REQUESTED: Approval to accept the bid of Key Equipment for street sweeper

BACKGROUND: City of Pekin has a street sweeping program to minimize the amount of debris that gets into the stormwater system. This machine is to replace one that has reached its service life.

FINANCIAL IMPACT: $154,415

FY07

NEIGHBORHOOD CONCERNS: Lack of machine will make the regularly scheduled street sweeping be extended with streets not getting done as often. This will create clogging of storm drains and flooding issues during heavy rains.

IMPACT IF APPROVED: Streets will be swept on the current schedule minimizing debris and clogging problems.

IMPACT IF DENIED: Streets will not get swept as often which will lead to clogged drains and street flooding problems.

ALTERNATIVES: Continue to use existing machine and incur high repair costs to keep it running.

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Strong Foundation by maintaining the stormwater system and High Quality of Life by keeping the neighborhoods clean.

REQUIRED SIGNATURES		
Department Director	Joe Wheeler	5/4/07 Date
Finance Department	Angela Evans (Certification of Availability of Funds)	5-7-07 Date
Corporation Counsel	(Certification of Review)	Date
City Manager	Darin Krif	5-7-07 Date

BID TABULATIONS

JOB DESCRIPTION AND LOCATION:
THREE WHEEL BROOM STREET SWEEPER WITH BELT CONVEYOR
OPENING DATE: BID OPENING MAY 2, 2007 10:00 A.M.

CONTRACTOR NAME		BID	CALENDAR DAYS TO COMPLETE
KEY EQUIPMENT & SUPPLY	Elgin Pelican P Street Sweeper	$154,415.00 trade-in $12,000	10-12-WEEKS

ESTIMATE: $
ESTIMATED BY CITY OF PEKIN

REQUEST FOR COUNCIL ACTION

To: Mayor Council

CC: City Manager -City Clerk

From: Superintendent of Streets – David Pagliaro

AGENDA ITEM: Intergovernmental Agreement with the City of Peoria for Heating and Scarifying Project

AGENDA DATE REQUESTED: May 14,2007

ACTION REQUESTED: Recommendation to approve intergovernmental agreement

BACKGROUND: Bids were opened on May 2, 2007 in the City of Peoria for heating and scarifying of streets in the City of Peoria and the City of Pekin. There were two bid submitted, American Asphalt Surface Recycling in the amount of (our work) $ 107,761.02 and Gallagher Asphalt Corp. for (our work) $ 154,745.60. Our estimate was for $ 147,200.00.

FINANCIAL IMPACT: $ 147,200.00 from Motor fuel Tax Funds

NEIGHBORHOOD CONCERNS: This will improve the condition of deteriorating streets designated for this work. The work consists of base repair, heat and scarify, and seal coat.

IMPACT IF APPROVED: $ 147,200.00 from MFT Funds and the continuation of an excellent Street Maintenance Program.

IMPACT IF DENIED: Continuation of deterioration of these streets.

ALTERNATIVES: More filling of potholes and rapid deterioration.

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Strong Foundation

REQUIRED SIGNATURES

Department Director ____
Date

Finance Department ____
(Certification of Availability of Funds) Date

Corporation Counsel ____
(Certification of Review) Date

City Manager ____
Date

INTERGOVERNMENTAL AGREEMENT

The City of Peoria hereby agrees to include in our Contract to Heater Scarify streets in the City of Peoria, a quantity of streets from the **City of Pekin, Illinois.**
This work will be done by a contractor under contract to the City of Peoria and will follow the specifications and special provisions of City of Peoria.

.
The **City of Pekin** hereby agrees that upon receipt of a billing statement from the Contractor to make payment within 60 days.

All quantities used are from figures supplied by the **City of Pekin** or its Engineering Firm.
Actual Bid prices are as follows:

	Quantity	Unit Cost		Total
1. HEATER SCARIFY	37378 SY	2.38		88.959.64
2. ASPHALT MODIFIER	3738 GAL	1.23		4.597.74
3. 2ND ROLLER	37378 SY	.38		14.203.64
				107761.02

The following are two paragraphs taken from the Contract

MULTIPLY AGENCY CONTRACT
This contract includes quantities from several Peoria Area communities. Each community has submitted to the City of Peoria their Quantities that they want included in this contract. The contractor is entering into one contract with several different governmental agencies. The specifications apply to all agencies the only variations are that **each agency is responsible for their own inspection, preparation, cleaning, scheduling (within the contract completion date) and payments.** Each agency understands that the bid prices are for this contract and if an agency can not schedule the work during the contract dates the contractor may or may not be willing or able to do the work at a later date at the price bid on this contract.

ESTIMATED COMPLETION DATE
Completion date for the City of Peoria shall be **JULY 1, 2007**
Completion date for the other agencies involved in this contract shall be **JULY 15, 2006.**

Submitted by:______________________ ______________ __________
(Mayor, Clerk, Engineer) of Date

Accepted by: ________________________________ __________
Director of Public Works, City of Peoria Date

Accepted by: ________________________________ __________
City Manager, City of Peoria Date