City of Pekin

REGULAR COUNCIL MEETING MONDAY, APRIL 22, 2013
5:30 P.M.

	1	2
1.0 CALL TO ORDER		
2.0 PLEDGE OF ALLEGIANCE *Mayor Laurie Barra*		
3.0 ROLL CALL *Clerk to Call the Roll*		
4.0 APPROVAL OF AGENDA ***ACTION:*** *Motion to approve the meeting agenda.* ***VOTE REQUIRED***		
5.0 APPROVAL OF MINUTES ***ACTION:*** *Motion to approve minutes of the Regular Council Meeting of April 8, 2013.* ***VOTE REQUIRED***		
6.0 PUBLIC INPUT ON AGENDA ITEMS *Speakers to state name, address, and spell last name. Speakers will be given 5 minutes to address the Council. Questions unrelated to agenda items are accepted during "Public Questions" near the end of the meeting.*		
7.0 CONSENT AGENDA		
7.1 Receive and File Monthly Reports: Police Department March Report, Tazewell County Animal Control March Report, Traffic Safety Minutes dated April 5, 2013, and Liquor Commission unapproved Minutes dated April 3, 2013.		
7.2 Proclamations: YWCA "Stand Against Racism" April 26, 2013 Elks "National Youth Week" May 5-11, 2013 PCHS "Dragon Pride Week" April 29-May 3, 2013 "Travel & Tourism Week" May 3-11, 2013		
ACTION: *Motion to approve all items listed on the Consent Agenda by Omnibus Vote.* ***VOTE REQUIRED TO APPROVE CONSENT AGENDA***		
8.0 COMMUNICATIONS, PETITIONS, REPORTS		

9.0 NEW BUSINESS		
9.1 Resolution No. 68-12/13 – Adopting the Fiscal Year May 1, 2013 Through April 30, 2014 Budget for the City of Pekin, Illinois **DESCRIPTION:** Approval of the proposed Budget for FY 2014 as presented and reviewed at two previous budget work sessions and Council meeting of April 8, 2013. A Public Hearing was held on April 8, 2013. **ACTION:** Motion to adopt the resolution. **VOTE REQUIRED**	JW	5
9.2 LHF Compost, Inc. Yard Waste Agreement **DESCRIPTION:** Contract for the disposal of the yard waste collected in the City for a 3 year term with 2 option years. **ACTION:** Motion to approve the agreement. **VOTE REQUIRED**	MG	5
9.3 Ordinance No. 2679-12/13 –An Ordinance Approving the Transfer of Volume Cap in Connection with Private Activity Bond Issues and Related Matters. **DESCRIPTION:** The ordinance authorizes the transfer of the City of Pekin's Volume Cap in connection with the issue of revenue bonds. The ordinance authorizing an agreement to issue Mortgage Credit Certificates to provide the Assist Program from this bond issue was adopted March 12, 2012. **ACTION:** Motion to adopt the Ordinance. **VOTE REQUIRED**	PA	4
10.0 ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL **10.1** Council Members **10.2** Staff **10.3** Five Minute Public Questions **10.4** Press Time		
11.0 EXECUTIVE SESSION 65 ILCS 120/2 (c)		
12.0 ADJOURN **No Vote Required**		

Column 1 Key:

JW Joseph Wuellner City Manager
MG Michael Guerra City Engineer
PA Community Development Director

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.

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PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY, APRIL 8, 2013, AT 5:30 O'CLOCK P.M.
LAURIE L. BARRA * MAYOR * PRESIDING

PRESENT: COUNCIL MEMBERS, ABEL, SCHMIDGALL, MCCABE, HENDRICKS, BARRA, MASSAGLIA AND BLANCHARD

ABSENT: NONE

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

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

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

MINUTES
Motion by Council Member Hendricks, seconded by Council Member Blanchard, that the **minutes of the Regular City Council Meeting of March 25, 2013 and the Special Budget Meeting Work Session of March 18, 2013, be approved as written.** On roll call vote, all present voted Aye.

PUBLIC INPUT ON AGENDA ITEMS
Dave VanDyke, 313 Edgewood addressed the Council regarding the budget line item for personnel in the Building Department that he represented as HVAC Inspector and Code Enforcement Officer. From a prepared statement he spoke in opposition to reducing the inspectors to part time positions in the attempt to balance the budget. He stated that a year ago Council was not in favor of the request of an intergovernmental agreement with Tazewell County for inspections because they felt Pekin inspectors were too busy to increase their work load. Mark Reeder, Electrical Inspector, 213 Ironwood and Juanita VanBuskirk, Administrative Secretary, 717 Hillyer, also voiced concern in reducing the staff hours. It was suggested that the department could function in a more proactive manor, and as an alternative to hiring a Community Service Officer (CSO) in the Police Department budget, if the inspectors had the authority to write violation tickets or increase permit fees.

Tim Golden, 2104 Alhambra Court, addressed the Council regarding the lack of budgeting for ADA sidewalk/curb requirements.

Tim Latronica, 709 Hillyer, expressed concern regarding the change in the bottom line from a deficit to a balanced budget being presented.

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

7.1 Receive and File Monthly Reports: Traffic Safety Committee Minutes dated March 1, 2013; Fire Department February Report; Liquor Commission unapproved Minutes dated February 28, 2013; Tazewell County Animal Control February Report; Building and Inspections February Reports.		
7.2 Proclamation: "American Red Cross Month" March 2013 "Parkinson's is the Pits Month" April 2013		
7.3 Resolution No. 63-12/13 – Zoning Map of the City of Pekin		

On roll call vote, all present voted Aye.

COMMUNICATIONS, PETITIONS, REPORTS
PUBLIC HEARING
The Hearing was opened by Mayor Barra at 5:52 p.m. for the purpose of receiving comments on the **FISCAL YEAR 2014 BUDGET MAY 1, 2013 THROUGH APRIL 30, 2014.** Tim Latronica, 709 Hillyer Street, reiterated his concern on figures used to balance the budget. He asked Council to vote no on the presented budget. Brandon Dentino, 2675 Allentown Road, told Council there were a plethora of errors in the numbers discussed on the prepared budget. He felt that money appeared out of the air. He urged Council to vote no and another budget session be held to discuss further. Tim Golden, 2104 Alhambra Court, spoke of his support of the previous voiced concerns. He questioned how Council could vote on the numbers presented.

Mayor Barra thanked the staff for the time spent in submitting a responsible budget. The Hearing was closed at 5:56 p.m.

NEW BUSINESS

RESOLUTION NO. 67 -12/13
ADOPTING THE FISCAL YEAR
MAY 1, 2013 THROUGH APRIL 30, 2014 BUDGET
FOR THE CITY OF PEKIN

Motion by Council Member Abel, seconded by Council Member Massaglia, that Resolution No. 67-12/13 be adopted. A balanced budget draft of the document was presented by City Manager Joseph Wuellner following the distribution to Council on March 28, 2012. All of the potential revenue sources had been verified including a recent added grant awarded to the Fire Department. Adjustment had been made to the original stated estimates of $695,000.00 deficit to include a $1.25 million bond to cover the costs of Cambridge/Shire and Broadway Road storm water projects. The Inspection Department reduction for personnel costs for the instructions of the Council to reduce that deficit. A proposed garbage fee to cover the deficit operation of the solid waste department was removed. Discussion followed. Mr. Wuellner advised that the Solid Waste Department would continue to be a draw on the General Fund without the City increasing revenues from raising property taxes to cover services or by collecting a fee like most of the surrounding communities. Council Members reviewed and discussed further the revised budget numbers. Each Member was given time to speak in support of the proposal or express reasons for opposing.

Mayor Barra noted the remaining time until April 30, 2013 for adoption of a budget and asked Council what direction needed to be taken for approval. Council Member Schmidgall was not supportive of the reduction in the Inspections Department after learning it would save $20,000.00 and that the part time effected employees would continue to receive benefits per contract. He asked the General Fund Reserves be appropriately budgeted. Council Member Blanchard felt contracting out the garbage collection would be advantageous for the City in light of escalating personnel and equipment expenses. He favored the reduced hours of the inspectors. He was supportive of the proposed police code enforcement officer. Council Member Hendricks asked to see a balanced budget without using bond money. He would be voting no without salary reductions and reduced personnel figures. Council Member Massaglia favored future wage freezes to avoid layoffs.
Attorney Sue Bosich was instructed to research the feasibility of the Inspections Department issuing tickets and to draft an ordinance for the next meeting.

On roll call vote, Ayes, Abel, Massaglia, Barra; Nays, Blanchard, Schmidgall, McCabe, Hendricks. Motion Failed.

Motion by Council Member Blanchard, seconded by Council Member Schmidgall that the **5 YEAR AGREEMENT WITH LHF COMPOST, INC.** for the disposal of the yard waste collected in the City of Pekin, be approved. City Manager Joseph Wuellner informed the Council that the staff had evaluated creating a City disposal site after the close of the site on the south end of town in 2012 during which time LHF provided the service for a year. The effort ran into numerous IEPA requirements before operational and it was decided to find other means of disposal. The presented contract proposed multi-year pricing schedule for the terms and conditions. Council Member McCabe questioned the continuation of the City's own site and disadvantage of locking in an agreement for 5 years.

Council Member McCabe made a motion that the LHF Compost, Inc. Agreement be amended for a 2 year term and for staff to make effort to find an alternative, seconded by Council Member Hendricks.

Discussion continued on the study with the Farnsworth Group to do the cost analysis for the City facility off Brenkman Drive. After proceeding with the preparation of the permit application there were concerns of prohibited cost of IEPA stipulations, water monitoring, price of equipment, personnel, etc. Council Member Blanchard called the question, seconded by Council Member Schmidgall. On roll call vote Ayes, Blanchard, Abel, Schmidgall, Massaglia, Barra; Nays, McCabe, Hendricks. Motion failed. Discussion continued on motion to amend the agreement to a two year term. On roll call vote to amend the agreement Ayes, Blanchard, Schmidgall, McCabe, Hendricks; Nays, Abel, Massaglia, Barra. Motion Carried. Support for a 2 year agreement was heard contingent upon the stated pricing was the same. On roll call vote on the amended agreement, Ayes, Blanchard, Abel, Schmidgall, McCabe, Hendricks; Nays, Massaglia, Barra. Motion Carried.

Motion by Council Member Massaglia, seconded by Council Member Blanchard that the **GAS PIPELINE EASEMENT TO AMEREN ILLINOIS,** be approved. Council was informed that due to the construction of Veterans Drive through the intersection of VFW Road and 14th Street that the existing line and regulator station needed to be relocated. Ameren requested a 10ft easement on property owned by the City on NE corner lot property line adjacent to the right of way for the road. On roll call vote, all present voted Aye.

Motion by Council Member Schmidgall, seconded by Council Member Abel that the **AGREEMENT WITH HANSON PROFESSIONAL SERVICES, INC**. for the Traffic Study of IL 29, Front Street and Distillery Road in the amount of $30,200.00, be approved. City Engineer Mike Guerra advised the study was to determine the effects of any additional development or improvements to businesses along Front Street and Distillery Road. Specifically addressed would be any improvements needed to facilitate ingress and egress movement to the area. The large amount of truck traffic had cause stain on the roadways and there were traffic concerns due to poor sight distance. Once Veterans construction was completed all truck traffic would be routed through the corridor. On roll call vote, Ayes, Abel, Schmidgall, McCabe, Hendricks, Massaglia, Barra; Nay, Blanchard. Motion Carried.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Members encouraged the public to vote on Tuesday, April 9 and wished success to the candidates for election. Council Member Abel asked that the City help retain the business relationship with Randy Price following the loss of the Enviro-Safe structure from an explosion. Council Member McCabe questioned the City's proposal in comparing pricing for the Solid Waste Collection. Mr. Wuellner advised that fuel, vehicles, tipping fees, employee salaries and benefits were used in comparison figures. City Engineer Mike Guerra reminded the public that construction season was beginning and to be cautious of work zones and cell phone use. Mr. Wuellner informed the Council that Police Chief Greg Nelson would be attending the FBI Academy in coming months.

Phillis Myers, 2500 Court Street, addressed the Council regarding the proper protocol and attention needed in displaying the United States flags throughout the City.

James Layne, 1411 South 7th Street, voiced concern of the cable placed across an alley at 1119 Derby Street.

Dale Kuntz, 5 Fox Point, expressed appreciation on the work of the present Council and return of Council Member Massaglia. He noted that attention needed to be given the debris that had blown along Court Street.

Eva Arnold, 1008 Cambridge, appreciated the proposal to bond the funds to resolve the storm water problem in her neighborhood.

Tim Golden, 2104 Alhambra, questioned how the Library got into such poor condition if the City followed requirements the same as residents were asked to do.

Brandon Dentino, 2675 Allentown Road, questioned and was informed because there was no market for glass that the City was no longer providing curbside collection. Glass could be taken to the McDonalds recycling center.

Council Member Hendricks ask that Council be copied on all the responses that needed to be given to the public members that had issues or questions brought to staff's attention during the meeting.

No further business to come before the Council, motion by Council Member Schmidgall. Mayor Barra adjourned the meeting. Meeting adjourned vice voce.

COUNCIL ADJOURNED AT 7:45 P.M.

Sue E. McMillan
City Clerk

PEKIN POLICE DEPARTMENT
END OF MONTH REPORT FOR MARCH 2013

	MARCH 2012	FEBRUARY 2013	MARCH 2013
TRAFFIC TICKETS	350	361	399
WARNING TICKETS	199	169	180
OFFENSES	447	411	409
ARRESTS	180	195	228
PARKING TICKETS	169	131	126
STOPS	1345	1273	1462

CITY ORDINANCE TICKETS FOR MARCH 2013

NUMBER OF TICKETS WRITTEN 63

NUMBER OF TICKETS PAID OVER THE COUNTER 24

FINES COLLECTED OVER THE COUNTER $6875

Animal Counts Brought in by Wardens between March 1, 2013 and March 31, 2013

City	Warden	Origin	PickUp Site	PickUp Dat	Species	Breed	Disposition	Days	Log #
Pekin									
	Hoyland	City	1001 N CAPITOL	3/28/2013	Cat	DLH			130445
	Hoyland	City	DOG PARK PARKWAY	3/28/2013	Dog	DACH			130444
	Hoyland	City	DOG PARK ON PARKWAY	3/28/2013	Dog	DACH			130443
	Hoyland	City	913 MARGARET	3/11/2013	Cat	DLH	E	9	130355
	HARMS	City	pekin park	3/28/2013	Dog	HUSKY	R	4	130446
	Hoyland	City	14TH & SHERIDAN	3/7/2013	Dog	LAB MIX	R	1	130343
	Hoyland	City	1319 S 12TH	3/28/2013	Dog	LAB			130442
	Hoyland	City	913 MARGARET	3/7/2013	Cat	DSH	E	8	130339
	Hoyland	City	217 SAPP	3/27/2013	Cat	DSH			130438
	Hoyland	City	913 MARGARET	3/6/2013	Cat	DSH	E	7	130335
	Hoyland	City	913 MARGARET	3/6/2013	Cat	DSH	E	7	130334
	HARMS	City	517 HENRIETTA	3/5/2013	Cat	DSH	E	8	130330
	HARMS	City	317 SHERWOOD	3/2/2013	Cat	DLH	E	2	130318
	HARMS	City	N 5TH & CAROLINE	3/29/2013	Dog	PIT			130447
	Hoyland	City	1207 FLORENCE #1	3/18/2013	Cat	DSH	E	4	130413
	Hoyland	City	1008 N 2ND	3/15/2013	Dog	PIT	E	10	130406
	Hoyland	City	TAPS	3/18/2013	Dog	LAB	R	3	130410
	Hoyland	City	TAPS	3/18/2013	Dog	LAB/MIX			130411
	Hoyland	City	9TH & COURT	3/13/2013	Dog	AUSSIE MIX	E	7	130385
	Hoyland	City	FOOT OF COURT	3/13/2013	Cat	DSH	E	0	130384
	Hoyland	City	1003 S 10TH	3/12/2013	Dog	WEIMARANER	R	1	130380
	Hoyland	City	2413 ARLINGTON CIRCLE	3/18/2013	Cat	DSH	E	2	130412
	Hoyland	City	1319 S 12TH	3/28/2013	Dog	LAB/PIT			130441
	Hoyland	City	912 CATHERINE	3/22/2013	Cat	SIAMESE MIX			130424
	HARMS	City	1905 HIGHWOOD	3/25/2013	Dog	AUSSIE	R	0	130427
	Hoyland	City	100 TAPS LANE	3/25/2013	Dog	PIT			130429
	HARMS	City	1130 N 16TH	3/27/2013	Dog	LAB			130439
	Hoyland	City	1620 MARKET APT B	3/11/2013	Dog	PIT MIX	E	14	130364

Total Dogs picked up in Pekin: 16

Total Cats picked up in Pekin: 12

Total Others picked up in Pekin: 0

Animal Counts Brought in by Individuals between March 1, 2013 and March 31, 2013

City	In By	Origin	PickUp Site	PickUp Dat	Species	Breed	Disposition	Days	Log #
Pekin									
	Owner R	City	13 OAK CREST	3/25/2013	Cat	DSH	E	2	130432
	Owner R	City	13 OAKCREST DR	3/25/2013	Cat	DSH	E	2	130431
	Owner R	City	407 SOUTH ST	3/18/2013	Cat	DSH	E	2	130415
	Owner R	City	407 SOUTH ST	3/18/2013	Dog	LAB	REL	2	130414
	Owner R	City	1312 S 6TH	3/12/2013	Cat	DSH	A	13	130377
	Individua	City	1301 N 10TH	3/20/2013	Cat	DMH	E	2	130418
	Individua	City	1301 N 10TH	3/19/2013	Cat	DSH	E	1	130417
	Individua	City	427 FAIRLANE	3/18/2013	Cat	DSH	E	0	130409
	Individua	City	1326 S 14TH	3/11/2013	Dog	LAB MIX	E	9	130354
	Individua	City	1212 SARA LANE APT 1	3/5/2013	Cat	DSH	E	8	130329
	Individua	City	427 FAIRLANE	3/5/2013	Cat	DSH	E	8	130328
	Individua	City	427 FAIRLANE	3/4/2013	Cat	DSH	E	9	130324

Total Dogs picked up in Pekin: 2

Total Cats picked up in Pekin: 10

Total Others picked up in Pekin: 0

TAZEWELL COUNTY ANIMAL CONTROL

City: PEKIN
Date: 4-1-13

Billing For Month of March

______________________ $3,753.84

Tazewell Animal Control
PO BOX 158
TREMONT IL 61568

CITY OF PEKIN
111 S CAPITAL ROOM 242
PEKIN IL 61554

CITY OF PEKIN TRAFFIC SAFETY COMMITTEE MINUTES
APRIL 5, 2013 @ 8:30 a.m.
CITY HALL CONFERENCE ROOM

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

Tim made a motion to approve the meeting agenda. Mike seconded. All in favor.

Tim made a motion to approve the minutes of the March 1, 2013 meeting. Bill seconded. All in favor.

Old Business:

1. *Parking Restrictions/Overnight Parking*

   As a continuation of the discussion at the last meeting, Mike presented a packet of a proposed "Rules and Regulations for the Residential Overnight Parking Program". It was fashioned after the Providence, R.I. program and was revised to fit Pekin.

   The proposal includes:

   - Permits would be limited to 2 per household (unless special circumstances were approved).
   - Temporary permits would be available for other types of vehicles that would be good for 72 hours.
   - Visitor permits would be good for 7 days.

   The permits would not override citywide parking bans and previously established parking restrictions in the city would remain in effect.

   To be consistent with what is already in place on Center Street, a permit would be provided at a yearly cost of $10 (to cover costs). Costs involved would include purchasing software, stickers and placards.

   Residents would need to come to City Hall and apply for a permit. Yearly permits would be stickers in the back window of the vehicle and would be a different color for each year. Temporary/visitor permits would be placards hung on the rearview mirror with the expiration date written on it.

   The system could be implemented through an "add-on" module to the current software system being used by the police department.

   The need for this program includes:

   - Strange vehicles will be out of neighborhoods.
   - Snow removal will go smoother.
   - Will provide a process for those who need overnight street parking.
   - This is a good first step prior to addressing the citywide issue of parking on narrow streets.

Items not addressed in the draft proposal are:

- Requests made after the beginning of a year would be $5 if there are 6 months or less left in the calendar year. Any time over 6 months left in a calendar year would be $10.
- Permits would be tied to a specific vehicle. When obtaining a replacement vehicle, the current permit could be brought in for exchange.
- Complaint/appeal process.

Proposed implementation could be July 1st, with the first permit issued for 6 months. Implementation would begin with warnings to vehicle owners not familiar with the program, which would include information on how to proceed with obtaining a permit.

Mike will make revisions to the draft to address the items discussed at this meeting. He will present the document in final form at the next meeting to be reviewed by the committee for approval to present to city council.

2. *5th St./8th St./Willow St. Configuration*
   In response to a citizen request at the last meeting, IDOT was contacted about a possible reconfiguration of this intersection. Mike gave an update on this matter. Last month he brought the current configuration to the attention of IDOT. They will evaluate the intersection, look into possible options and provide a response to the city. The cost of any change to the configuration would most likely be the responsibility of the city. The review by IDOT is a first step. It would take time to get a project like this completed. This configuration was done in the mid 90's (93/94). He will report back at the next meeting on any progress on this topic.

New Business:

1. *Curve Warning – 2602 Willlow Street*
   George Sipka, 2602 Willow Street (346-1749) made this request due to 3 separate incidents where someone drove into his yard. Twice there was damage to his property and the third time the driver went through his yard and damaged property in his neighbor's yard. He requested a sign to warn drivers of the curve. He asked if the sign could be mounted on a utility pole that is in his yard between Hemlock and Schramm. Bill made a motion to install a sign on an existing pole on Mr. Sipka's property between Hemlock and Schramm warning eastbound drivers of the upcoming curve. The motion was seconded by Tim. All in favor.

Around the Table

Ron Mayeur (907 Hamilton St., 309-678-7045, ronmayeur@yahoo.com) was in attendance at the meeting as an observer.

Bob Van Den Arend (1903 St. Clair Dr., 346-9510) attended the meeting. He asked if the overnight parking permits would be available to everyone. The response was yes, however, all current parking regulations will remain in effect. He also thanked the committee for their efforts on this project.

Tim reported that this could be his last meeting as a committee member since he will become a council member in May. He is interested in possibly staying on the committee as a liaison between the committee and city council.

Mike made a suggestion to invite council members to attend a committee meeting to see how the committee operates.

Mike reported that he is currently conducting a traffic study on Front St. from Rt. 29 to Distillery Rd. This is being done as a proactive measure in anticipation of the southern section of Veterans Drive to determine the best way to serve the industries located in that area of the city. He also reported that repair to the Sheridan Rd. bridge is scheduled for the summer of 2014.

Kurt asked about the completion date for Veterans Drive between Sheridan Rd. and Broadway Rd. Mike stated that it is anticipated to be open by the end of August.

Respectfully Submitted,
Lee Ann Wrhel

NEXT REGULAR MEETING MAY 3, 2013 @ 8:30 A.M.

LIQUOR COMMISSION MINUTES
WEDNESDAY, APRIL 3, 2013
4:00 P.M.
CITY HALL COUNCIL CHAMBERS

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

PLEDGE of ALLEGIANCE was led by Commission Member Dale Vonderheide

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

Also present: Attorney Sue Bosich – Corporation Counsel and Sue McMillan, City Clerk

APPROVAL OF AGENDA
Motion made by Liquor Commissioner Barra to approve the Agenda, seconded Police Chief Nelson. On roll call vote all present voted Aye. Motion carried.

APPROVAL OF MINUTES
Motion made by Commission Member Vonderheide to approve the Liquor Commission Minutes of February 28, 2013, seconded by Commission Member Hanley. On roll call vote all present voted Aye. Motion carried.

PUBLIC INPUT/COMMENTS/QUESTIONS
Nothing at this time

NEW BUSINESS
Avanti's Dome – Dan Steinbach
Dan is an Event Planner with the Avanti's Dome – Dan stated he went to Tazewell County Zoning and now all land owned by Albert Zeller (Avanti's Dome) is under one address (parcel). His intentions were to only get one liquor license for the Dome and the ball fields, which serves beer, wine and hard liquor. Address will be 3401 Griffin Ave. Dan has plans for a lot of outdoor events at the Dome this year. Also the empty lot to the west across the street is owned by Avanti's Dome and this will be used for overflow parking.

Discussion:
Attorney Bosich will check with the Tazewell County Zoning if this was approved or filed. Bosich had a handout on Outdoor Events for liquor licensing. A new application was given for Dan to return to John Smock, General Manager and Albert Zeller. John Smock will have to come in for a background check. Would also need a map showing where alcohol will be sold on the ball fields. For outside events there will be restrictions. Police Chief Greg Nelson and Liquor Commissioner Barra reviews and approves the One Day Liquor License Special Event applications. John Smock, General Manager will need to fill out a One Day Liquor application for the Special Events. There are 12 One Day Liquor License Special Events issued per year. Attorney Bosich stated this will be a Class C Liquor License. There were concerns for why they wanted hard liquor out on the ball fields. No drinking in dug outs or ball fields and no coolers brought in. No liquor in the parking lot, open fields or across the street in the vacant lot. Questions were asked if they were going to use the ball fields in another fashion other than just for tournaments. Dan stated when they hold their Special Events for camping, concerts or other they will use the ball fields. It was stressed that when they have these Special Events that the

Police Chief and Liquor Commissioner approve those and they could require additional information or there could be additional restrictions.

Outdoor Events: Dan stated he will use Vital Security for all his events. They are police, fire, and active military officers. At some of his larger events he will have 6-8 security officers there along with bouncers and staff. If needed he will hire Pekin Police Officers. Dan was informed that Police Chief Nelson and the Liquor Commissioner determine the One Day Special Event how many officers would be required. Commission members would like to see a secured area for the beer tent– no one under 21 without a parent or legal guardian would be allowed to go in. Dan stated this will not work, he wants the whole area, ball fields included to be able to drink alcohol. He stated when they have bands, people want to be right up front drinking, when they camp in the ball fields, they want to drink at their site. Commission is concerned about underage children having easy access to alcohol and being in the same area where alcohol is being served. Dan informed the Commission they would monitor this by having 6 to 8 Vital Security Officers there and if they need more they can call more in. Also when the Avanti's Dome has the 3 day overnight camping events, they have to follow State Law on curfew if participants are under the age of 18 and not with a parent or legal guardian. Dan stated the lights will be on in the parking lot all night and ball fields lights will be on as well. When they shut down the concession stand the lights will be off in the ball field area. Commission was concerned about the retention pond and the liability and how this would be monitored. Dan stated he did not think this would be an issue, but would have Vital Security monitor this area. Overflow parking would be used in the vacant lot across the street. Dan stated Ron Sieh told him he could park across the street in the empty lot as long as it's not on a daily basis. Dan stated this is zoned AG and now since he put all properties into one parcel with one address it is now zoned Business. Liquor Commissioner informed Dan this is not the case, he would have to go in front of the Planning and Zoning Commission to get this changed. He would need to talk to Ron Sieh.

Commission will do some research on outdoor Festivals and report back at the Liquor Commission Meeting on April 25th, 2013. Commission stated to Dan that they were not trying to throw obstacles his way, just want to make sure the Special Events are done correctly and safely. Attorney Bosich to check on the liquor liability insurance to see if it covers just the premises for the Liquor License and/or the Special Events or the whole property for the City of Pekin as additional insured.

2% Food and Beverage Tax
Nothing at this time

ANY OTHER BUSINESS

Meeting adjourned 5:25 P.M.

Next Meeting will be Thursday, April 25, 2013 at 4:00 P.M.
Respectfully submitted, Paula Gensel

WHEREAS, April 26, 2013 marks the occasion of the "Stand Against Racism," an event sponsored by the YWCA of Pekin, an organization devoted to eliminating injustices and empowering women throughout our community; and,

WHEREAS, the City of Pekin is pleased to honor and salute the YWCA of Pekin and its praiseworthy mission to eliminate racial inequalities in employment, education, health care, housing, human services, and other areas that affect the quality of an individual's life; and

WHEREAS, individual organizations and businesses will participate in the YWCA's "Stand Against Racism" and many participants will share in activities designed to raise awareness of this ongoing issue; and,

WHEREAS, the leaders of the YWCA of Pekin, have compiled a record of service to the citizens of this community, through its Adult Literacy, Aquatics, Child Care, Coalition for Equality and Fitness programs,

WHEREAS, The strength and success of the City of Pekin, the vitality of our communities, and the effectiveness of our American society depend, in great measure, upon organizations, such as the YWCA of Pekin; now, therefore,

NOW, THEREFORE, BE IT RESOLVED that I, Laurie L. Barra, Mayor of the City of Pekin, Illinois, do hereby join in honoring the YWCA for its record of service to the community, and extends best wishes for a successful and informative "Stand Against Racism" event on April 26, 2013;

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

ADOPTED, this 22nd day of April, in the Year of Our Lord, Two Thousand and Thirteen.

LAURIE L. BARRA
Mayor

ATTEST:

SUE E. McMILLAN
City Clerk

WHEREAS, *the Benevolent and Protective Order of Elks has designated the week of May as Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and*

WHEREAS, *Pekin Lodge #1271 will sponsor an observance during that week in tribute to the junior citizens of this community; and*

WHEREAS, *no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and*

WHEREAS, *our Youth need the guidance, inspiration and encouragement which we alone can give in order to develop those qualities of character essential for future leadership; and go forth to serve America; and*

WHEREAS, *to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship;*

NOW, THEREFORE, BE IT RESOLVED, *that I, LAURIE L. BARRA, Mayor of the City of Pekin, do hereby proclaim the week of May 5th thru May 11th, 2013 to be*

"NATIONAL YOUTH WEEK"

in the City of Pekin, Tazewell County, Illinois, and urge all departments of government, civic, fraternal and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance

ADOPTED, *this 22nd day of April, in the Year of Our Lord, Two Thousand and Thirteen.*

____

LAURIE L. BARRA
Mayor

ATTEST:

____

SUE E. McMILLAN
City Clerk

WHEREAS, *The purpose of the Pekin Community High School Dragon Pride school-wide student recognition event is to provide Pekin High School students the opportunity to showcase to the community their accomplishments in various classroom activities; and*

WHEREAS, *In addition, selected students from the various academic departments will be honored for their outstanding accomplishments; and*

WHEREAS, *The faculty and administration of Pekin Community High School believe that the public should have the opportunity to be more aware of the quality and variety of activities performed by our high school students; and*

WHEREAS, *The Dragon Pride event is just such an opportunity; and*

NOW, THEREFORE, BE IT RESOLVED, *that I LAURIE L. BARRA, Mayor of the City of Pekin, do hereby proclaim the week of April 29th, 2013 to be*

"DRAGON PRIDE WEEK"

in the City of Pekin, Tazewell County, Illinois, and urge all citizens to participate on Dragon Pride night, held on Wednesday, May 1, 2013 from 6:00 to 8:00 p.m. in the Hawkins gymnasium. The public is cordially invited to attend.

ADOPTED, *this 22nd day of April, in the Year of Our Lord, Two Thousand and Thirteen.*

LAURIE L. BARRA
Mayor

ATTEST:

SUE E. McMILLAN
City Clerk

Celebrate!

NATIONAL TRAVEL and TOURISM ★WEEK★

Central Illinois

EnjoyPeoria.com/TourismWeek

PROCLAMATION

Whereas travel matters to the nation's economic prosperity and its image abroad, to business wealth and to individual travelers;

Whereas travel to and within the United States provides significant economic benefits for the nation, generating $1.9 trillion in economic output in 2011, with $813 billion spent directly by travelers that spurred an additional $1.1 trillion in other industries;

Whereas travel is among the largest private-sector employers in the United States, supporting 14.4 million jobs in 2011, including 7.5 million directly in the travel industry and 6.9 million in other industries;

Whereas Illinois in 2011 welcomed over 93.3 million domestic visitors, up 10.2 percent. Of those visitors, nearly 75 million were leisure visitors and 18.4 million were business visitors. Top five states providing visitors to Illinois in 2011 were Illinois, Indiana, Wisconsin, Michigan and Missouri and top 5 international markets to Illinois were Canada, United Kingdom, Mexico, Japan, and the People's Republic of China.

Whereas On average, leisure visitors to Illinois spent $100 per person per day. The total spent daily on average in Illinois businesses is $87 million.

Whereas The known $2,363,882 dollars generated from the 27,287 hotel rooms booked in the area in 2012 due to Peoria Area CVB initiated events, has generated more than an estimated additional $7 million for local economies and approximately $284,000 in local and state taxes.

Whereas travel is a catalyst that moves the national, state and local economy forward;

Now, therefore, I, Laurie Barra, Mayor of City of Pekin do hereby proclaim May 3-11, 2013 as Travel and Tourism Week in Pekin, and urge the citizens and businesses of Pekin to join me in this special observance with appropriate events and commemorations.

Laurie L Barra

~~Governor~~ / Mayor

[AFFIX SEAL]

RESOLUTION NO.68 -12/13

RESOLUTION ADOPTING THE FISCAL YEAR MAY 1, 2013 THROUGH APRIL 30, 2014 BUDGET FOR THE CITY OF PEKIN, ILLINOIS

WHEREAS, the City of Pekin, Illinois has adopted the budget system authorizing expenditures; and

WHEREAS, the City has caused notice to be published on that a public hearing on the proposed Budget for fiscal year May 1, 2013 through April 30, 2014 would be held on April 8, 2013 and further that said proposed Budget was available for inspection in the City Clerk's Office; and

WHEREAS, a hearing was held April 8, 2013 on the proposed Budget before the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS AS FOLLOWS:

Section 1 : That the Budget for the fiscal year May 1, 2013 through April 30, 2014 of the City of Pekin be and the same is hereby adopted.

Section 2 : That the administrative staff of the City shall cause the Budget as adopted to be complied, printed, and bound in book form for distribution.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS

this __________ day of ________________________, 2013.

____
MAYOR

ATTEST:

____
CITY CLERK

CITY OF PEKIN

RESOLUTION NO. 12/13
A RESOLUTION ADOPTING THE FISCAL YEAR MAY 1, 2013 THROUGH APRIL 30, 2014 BUDGET FOR THE CITY OF PEKIN, ILLINOIS

PASSED BY THE CITY COUNCIL
OF THE CITY OF PEKIN
THE 22ND DAY OF APRIL, 2013

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, THIS 22ND DAY OF APRIL, 2013

CERTIFICATE

THE UNDERSIGNED CERTIFIES THAT SHE IS THE CITY CLERK FOR THE CITY OF PEKIN, ILLINOIS, AND THAT THE CITY COUNCIL AT A REGULARLY CONSTITUTED MEETING OF SAID CITY COUNCIL OF THE CITY OF PEKIN ON THE 22ND DAY OF APRIL, 2013 ADOPTED RESOLUTION NO. 12/13, A TRUE AND CORRECT COPY OF WHICH IS CONTAINED IN THIS PAMPHLET.

GIVEN UNDER MY HAND AND SEAL THIS ________ DAY OF______________, 2013

(SEAL)

____
SUE E. MCMILLAN
CITY CLERK

TIMELINE-BUDGET

assumes

- Budget presented at the Council meeting of April 8, 2013
- Public Hearing and Resolution to be held at same meeting and that the resolution when presented is not laid over or tabled
- the presentation and adoption by Council are on the same date

03-26-13	Notice of public hearing to Pekin Daily Times (at least four working days prior to publication)
03-29-13	Tentative Budget made available for public inspection (at least ten days prior to hearing).
04-01-13	Notice of public hearing published (at least 7 days prior to public hearing)
04-08-13	Public Hearing
~~04-08-1~~3 4/22/13	Resolution approving Budget

NOTICE OF PUBLIC HEARING
ADOPTION OF BUDGET FOR FISCAL YEAR MAY 1, 2013 THROUGH APRIL 30, 2014 BY THE CITY COUNCIL AND MAYOR OF THE CITY OF PEKIN
PEKIN, ILLINOIS

On Monday evening, April 8, 2013 at 5:30 p.m., a public hearing will be held by the City Council of the City of Pekin in the City Hall at 111 S. Capitol Street, Pekin, Illinois, for the purpose of considering and hearing testimony relative to the adoption of the budget for the City of Pekin for fiscal year May 1, 2013 through April 30, 2014, which budget has been published and is available for the public inspection at the Office of the City Clerk at 111 S. Capitol Street, Pekin, Illinois, during regular business hours.

You are further notified that said proposed budget may be further revised and passed after the public hearing.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard.

By order of the Corporate Authorities of the City of Pekin, Illinois.

Pekin
ILLINOIS

REQUEST FOR COUNCIL ACTION

To: Mayor and Council

CC: City Clerk & City Manager

From: Michael Guerra, City Engineer

AGENDA ITEM: Agreement with LHF Compost Inc for Yard Waste Disposal

AGENDA DATE REQUESTED: April 22, 2013

ACTION REQUESTED: To approve the Agreement with LHF Compost, Inc. for the disposal of yard waste for collected by the City of Pekin for a term of 3 years with the option of two additional years at the rates shown.

DESCRIPTION: At the April 8th, the council requested that the five year agreement be reduced to a two year term. After renegotiating with LHF, the minimum term LHF would consider would be a three year term and would allow for two extensions of one year each. This would be the most beneficial agreement for the City as it would allow adequate time for the evaluation of any potential site, acquire a permit and construct the facility if so desired. The previous site that we were evaluating was going to take at least two years before we would have received the permit to construct the facility. Then it would have taken approximately six months to a year to construct the facility and purchase the necessary equipment. Therefore this agreement allows for enough flexibility to have a location to dispose the yard waste while consideration is given to whether the City should operate its own location.

Attached is the proposed agreement which lists the prices and terms for each of the three years and the additional one year options. I recommend that this agreement be approved so that we can continue to provide this service to the residents of Pekin

FINANCIAL IMPACT: Funding is included in the budget for this item and is sufficient for the normal amount of material disposed annually

NEIGHBORHOOD CONCERNS: Helps to keep streets and ditches clear of grass clippings, branches and leaves

IMPACT IF APPROVED: Disposal of yard waste can continue

IMPACT IF DENIED: Another location would have to be utilized at a higher rate or the City would have to cease yard waste collection.

ALTERNATIVES: none

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

	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.

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

REQUIRED SIGNATURES
Department Director: Mike E **Date:** 4/12/13
Finance Department (Certification of Availability of Funds): **Date:** 4-12-13 Angela Evans
Corporation Counsel: **Date:**
City Manager: Joseph Wuellner **Date:** 4/12/13

MUTUAL AGREEMENT

THIS MUTUAL AGREEMENT is made and entered into this __________ day of March, 2013, by and between the City of Pekin, County of Tazewell, Illinois, a Municipal Corporation hereinafter referred to as the CITY and LHF COMPOST, INC. hereinafter designated as the CONTRACTOR regarding the disposal of yard waste collected in the City of Pekin.

TERM OF AGREEMENT

1. This Agreement shall commence on April 1st, 2013 and shall terminate on January 15th, 2016.

2. There will be two options to extend this agreement for an additional year at the rate set in the schedule. The City shall notify LHF in writing it wishes to extend the agreement three (3) months prior to the expiration of the agreement.

3. "Yard Waste" shall include landscape waste and shall mean any and all accumulations of grass, leaves, branches, shrubs, vines, trees, and other similar vegetative items generated by the maintenance of lawns, shrubs, gardens and trees. No trees or parts of thereof shall be in excess of six (6) inches in diameter or five (5) feet in length. Yard Waste must be either loose, in bundles tied with twine or rope (not wire) or in paper yard waste bags. No plastic bags shall be allowed.

4. The CONTRACTOR agrees to accept, and the CITY agrees to dispose of at the compost facility, all yard waste, as defined herein, which is collected in the CITY'S corporate limits during the term of this Agreement from the CITY'S grounds keeping (excluding street sweeping) and from residential buildings with four or fewer dwelling units located within the CITY'S corporate limits, including additional residential units which may hereafter be erected or become operative within the corporate limits of the CITY during the term of this Agreement. For

DRAFT

purposes of this Agreement, it is mutually understood that in a good faith approximation of the number of dwelling units served for the year 2013 is 12,000. The CITY makes no warranties that the number is correct; however, said the number will be considered as the basis of this Agreement until modified pursuant to its terms.

5. The CITY shall pay to the CONTRACTOR according to the following schedule of yard waste disposed at the compost facility.

April 1, 2013 through January 15th, 2014 $8.75 per cubic yard of yard waste.
April 1, 2014 through January 15th, 2015 $9.28 per cubic yard of yard waste
April 1, 2015 through January 15th, 2016 $9.84 per cubic yard of yard waste

Optional years
April 1, 2016 through January 15th, 2017 $10.43 per cubic yard of yard waste
April 1, 2017 through January 15th, 2018 $11.06 per cubic yard of yard waste

The CONTRACTOR shall invoice the CITY **weekly, payable within thirty (30) days** for disposal of all yard waste as described herein at the CONTRACTOR'S facility. The invoice shall include the amount of material received per Cubic Yard (CY) times the Unit Price set above for a total Invoice amount.

In addition, the CITY agrees to pay any tipping fee or other fee or tax hereafter imposed by any government agency for the privilege of disposing yard waste at the facility. Other than as set in this paragraph, there shall be no additional gate, tipping, or entry fee imposed on the CITY for the use of the aforesaid compost facility.

6. All Yard Waste loads shall be full loads unless it is necessary to dispose of a partial load to meet the 24-hour limit set in Paragraph Eight (8) of this Agreement.

7. The CONTRACTOR shall conduct operations at its expense under this agreement in compliance with all local, State, and Federal laws and regulations governing Composting sites and yard waste disposal facilities. The Contractor shall give all notices and comply with all laws, ordinances, rules and regulations bearing on the conduct of this Agreement.

8. The composting site and facility shall be available for disposal during the normal business hours between 8:00 A.M and 4:30 P.M. Monday through Friday from January 1^{st} till January 15^{th}, and April 1^{st} till December 31^{st} of each year, and other reasonable dates and times as requested by the CITY as necessary to accommodate disaster and storm cleanup collections and Saturday collections due to Holidays.

9. Trucks must be emptied at the compost site within twenty-four (24) hours after being first collected began. The CONTRACTOR shall have the right to refuse any trucks or composting materials not meeting this requirement.

10. During the term of this Agreement the CITY and its haulers shall have a license to enter the composting site and compost facility for the limited purpose of , and only to the extent necessary for, off-loading yard waste a the location and in the manner directed by the CONTRACTOR. After off-loading the waste, the CITY'S haulers/personnel shall promptly leave the composting site or compost facility.

11. The CONTRACTOR agrees to indemnify, save harmless and defend the CITY , its agents and employees from and against any and all liabilities, claims, penalties, forfeitures, suits, and the cost and expenses incident thereto, including cost of defense, settlement, and reasonable attorney's fees, which it may hereafter incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation of governmental laws, regulations, or orders

caused by negligent or willful acts or omissions of the CONTRACTOR'S employees or its subcontractors in the performance of the Agreement. The CONTRACTOR acknowledges, however, that the CITY may provide indemnification to its customers in reliance on the indemnification provided to the CITY in this paragraph.

12. The indemnification provision set above the CONTRACTOR includes but is not limited to claims against the CONTRACTOR which arise out of, are related to , or are based upon the disbursal, discharge, escape, release or saturation of smoke, vapor, soot, fumes, acids, alkalis, toxic chemicals, liquids, gases, or any other material, irritant, contaminant, or pollutant or hazardous materials as defined by the Illinois Environmental Protection Agency or the United States Environmental Protection Agency now or in the future or into the atmosphere, or on onto, upon, in or into the surface or subsurface (a) soil, (b) water or watercourse, (c) objects, or (d) any tangible or intangible matter, whether sudden or not.

13. The CONTRACTOR shall at all times during the term hereof, maintain public liability and property damage insurance covering all of its operations hereunder in amounts of no less than ONE MILLION ($1,000,000.00) DOLLARS combined bodily injury and property damage limit per accident, and the CITY shall be named as an additional insured only to the extent of the CONTRACTOR'S negligence.

14. The Agreement shall be binding upon and shall inure to the benefit of the parties here to and their respective successors and permitted assigns. This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois.

15. It is expressly agreed and understood that the CONTRACTOR is in all respects an independent contractor as to the work, notwithstanding in certain respects that the CONTRACTOR is required to follow direction of designated CITY officials (this shall include

but not be limited to reporting procedures), and that the CONTRACTOR is no respect an agent, servant or employee of the CITY. This Agreement specifies the work to be done by the CONTRACTOR but the method to be employed to accomplish this work is the responsibility of the CONTRACTOR, unless otherwise provided for in this agreement.

16. Should the CONTRACTOR fail to accept yard waste hauled to its facility at the time and in the manner required, and the CITY determines said failure constitutes a breach or default by the CONTRACTOR, the CITY may, after one hour's notice, redirect delivery of said yard waste to another compost facility or site. This is a non-exclusive remedy and shall not limit in any way the CITY'S right to other legal remedies.

17. The CONTRACTOR shall furnish the CITY or the CITY'S authorized representatives with every reasonable opportunity for ascertaining whether or not its obligations are being performed in accordance with the requirements of this Agreement. On a **WEEKLY** basis the CONTRACTOR shall supply the CITY with tickets of daily volumes (e.g. cubic yards and tons) of the yard waste deposited at the facility. The CITY may appoint authorized representatives to inspect the CONTRACTOR'S operations and records related to the composting facility at any reasonable time and the CONTRACTOR shall admit authorized representatives of the CITY to make such inspections at any reasonable time and place.

18. The CONTRACTOR specifically agrees that any strike or labor dispute of any kind or character involving the CONTRACTOR, the CITY, or any account or unit serviced hereunder, shall not, for any reason, cause a stoppage or delay of any of the obligations of the CONTRACTOR as per the terms and conditions hereof.

19. If the CONTRACTOR becomes insolvent or declares bankruptcy or commits any act of bankruptcy or insolvency, or allows any final judgment for the payment of money to stand

against the CONTRACTOR, the Mayor of the CITY may then declare the Agreement canceled or at the option of the CITY, may treat this Agreement as operative.

20. The CONTRACTOR assures the CITY that it is an "Equal Opportunity Employer" as defined by Section 2000(E) of Chapter 21, Title 42 of the United States Code Annotated and Federal Executive Orders No. 11246 and 11375, which are incorporated herein by reference, and as such shall not discriminate against any other person by reason of race, creed, color, religion, age, sex, or physical or mental handicaps with respect to the hiring, application for employment, tenure, terms or conditions of employment of any persons.

21. The Illinois Fair Employment Practice Commission Equal Opportunity Clause, as required by Article II of the Illinois FEPX Rules and Regulations, is considered to be a part of any contract or purchase agreement.

22. In the employment and use of labor, the CONTRACTOR shall conform to all Illinois statutory requirements and prohibitions regarding the sexual harassment of employees, including but not limited to those pertinent provisions of the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.*

DATED at Pekin, Illinois, this __________day of March, 2013

CITY OF PEKIN, a Municipal Cooperation

By ______________________________

Mayor

ATTEST:

____

CITY CLERK

DATED at Pekin, Illinois, this __________day of March, 2013

LHF Compost, Inc.

By ________________________________

PRESIDENT

ATTEST: ____________________________

SECRETARY

REQUEST FOR COUNCIL ACTION

To: Mayor and Council members
CC: City Manager, City Attorney, City Clerk & Finance Director
From: Community Development Director

AGENDA ITEM: **2013 Assist inducement ordinance**
AGENDA DATE REQUESTED: **April 22, 2013**
ACTION REQUESTED: **Approval of the 2013 Assist Inducement Ordinance**

BACKGROUND:

The Assist program is sponsored by many communities throughout the State of Illinois that offers families the opportunity to buy their own home by issuing tax-exempt single-family bonds. This program provides families with funds to pay all or most of their closing costs and down payment, enabling families with good credit but little extra capital to buy their first home.

FINANCIAL IMPACT: none
NEIGHBORHOOD CONCERNS: none

IMPACT IF APPROVED: Families/individuals will be assisted in purchasing their first home.

IMPACT IF DENIED: **The City of Pekin will not participate.**

ALTERNATIVES: There are other first time homebuyer programs available.

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: supports a high quality of life

REQUIRED SIGNATURES

Department Director	Pamela Andersen	3-26-13 Date
Finance Department	Angela Evans (Certification of Availability of Funds)	3-26-13 Date
Corporation Counsel	(Certification of Review)	Date
City Manager		Date

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE TRANSFER OF VOLUME CAP IN CONNECTION WITH PRIVATE ACTIVITY BOND ISSUES, AND RELATED MATTERS.

WHEREAS, the City of Pekin, Tazewell and Peoria Counties, Illinois (the *"Municipality"*) is a municipality and a home rule unit of government under Section 6 of Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, Section 146 of the Internal Revenue Code of 1986, as amended (the *"Code"*), provides that the Municipality has volume cap equal to $95 per resident of the Municipality in each calendar year, which volume cap may be allocated to certain tax-exempt private activity bonds; and

WHEREAS, the Illinois Private Activity Bond Allocation Act, 30 *Illinois Compiled Statutes 2010,* 345/1 *et seq.,* as supplemented and amended (the *"Act"*), provides that a home rule unit of government may transfer its allocation of volume cap to any other home rule unit of government, the State of Illinois or any agency thereof or any non-home rule unit of government; and

WHEREAS, it is now deemed necessary and desirable by the Municipality to transfer its entire volume cap allocation for calendar year 2013 to the City of Aurora, Kane, DuPage, Will and Kendall Counties, Illinois (the *"Issuer"*) to be applied toward the issuance of single family mortgage revenue bonds by the Issuer (the *"Bonds"*) or mortgage credit certificates (the *"MCCs"*) or for such other purpose permitted by this Ordinance;

NOW, THEREFORE, Be It Ordained by the City Council of the City of Pekin, Tazewell and Peoria Counties, Illinois, as follows:

SECTION 1. That, pursuant to Section 146 of the Code and the Act, the entire volume cap of the Municipality for calendar year 2013 is hereby transferred to the Issuer, which shall issue the Bonds using such transfer of volume cap, without any further action required on the part of the Municipality, and the adoption of this Ordinance shall be deemed to be an allocation of such volume cap to the issuance of the Bonds, the MCCs or other private activity bonds.

SECTION 2. That the Municipality and the Issuer shall maintain a written record of this Ordinance in their respective records during the term that the Bonds or any other such bonds to which such volume cap is allocated remain outstanding.

SECTION 3. That the Mayor, the City Clerk and all other proper officers, officials, agents and employees of the Municipality are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to further the purposes and intent of this Ordinance.

SECTION 4. That the provisions of this Ordinance are hereby declared to be separable, and if any section, phrase or provision of this Ordinance shall for any reason be declared to be invalid, such declaration shall not affect the remainder of the sections, phrases and provisions of this Ordinance.

SECTION 5. That all ordinances, resolutions or orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded; and that this Ordinance shall be in full force and effect upon its adoption and approval.

Presented, passed, approved and recorded this ___ day of _________, 2013.

Approved:

____
Mayor

[SEAL]

ATTEST:

____
City Clerk

Ayes: ____

____

Nays: ____

Absent or Not Voting: ______________________________