



City of Pekin

AGENDA

REGULAR COUNCIL MEETING OF MARCH 28, 2005
5:30 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

Regular Council Meeting of March 14, 2005

V. PUBLIC INPUT ON AGENDA ITEMS

VI. CONSENT AGENDA

1. Receive and File Monthly Reports: Project Status, Wastewater Treatment, Airport, Inspections
2. Charitable Solicitation: Jenny Miller
3. Receive and File Bids CDBG ADA Sidewalk Handicap Ramps Project Opened 3/17/05
4. Resolution No. 100-04/05 ~~97-04/05~~ – Clerk to Publish Zoning Map
5. Receive and File Pekin Planning Commission Minutes Dated March 9, 2005
6. Receive and File Pekin Planning Commission Hearings and Recommendations:
 - a. #1653 – Recommends the approval of the Special Use for Drive-Up for property located at 1470 Valle Vista Blvd
 - b. #1654 – Recommends the approval of the Site Plan for property located at 1470 Valle Vista Blvd for Banking Services
 - c. #1657 – Recommends to deny Special Use for Roadside Stand in the Northwest Corner of the parking lot of County Market located at 2111 Court Street because it does not meet the requirements of a drive thru
 - d. #1658 – Recommends to deny the Site Plan for a Roadside Stand in the Northwest Corner of the parking lot of County Market located at 2111 Court Street because it does not meet the requirements of a drive thru
 - e. #1659 – Recommends the approval to assign Zone for Tracts 1-7 in Hollis Township, Peoria County from County (AG) to City of Pekin I-1 pending annexation
 - f. #1660 – Recommends the approval to amend the Zoning Ordinance 9-10-4-C uses not included in a specific district to include water theme parks, equestrian parks, marine parks and amusement parks
 - g. #1661 – Recommends the approval to amend the I-1 Zoning to include all special uses as permitted under agricultural district (AG)
 - h. #1662 – Recommends the approval to amend the I-1 Zoning ordinance 9-7A-2 of the Code of the City of Pekin to added as a principal use in an I-1 the following, all principal uses as permitted under the Agricultural District screening requirements for Abutting

- Residential, Office and Business Zones shall not apply to such uses
- i. #1663 – Recommends the approval to amend Zoning Ordinance 9-10B which is off street parking and loading by adding paragraph 3, The authority to enforce the provisions of Off-Street Parking and Loading shall be the joint responsibility of the City of Pekin Inspections Department and the City of Pekin Police Department

VII. COMMUNICATIONS, PETITIONS, REPORTS

Public Hearing – Annexation Agreement - Deppert

Public Hearing - Annexation – Amedeo, LLC

VIII. NEW BUSINESS

1. Resolution No. 96/04/05 Intent to Issue Single Family Mortgage Revenue Bonds (PA)
2. Ordinance No. 2417 - Authorizing the Execution of An Annexation Agreement Regarding Certain Territory in Hollis Township (Deppert) (BS)
(~~KU~~)
3. Ordinance No. 2418 - Authorizing t An Annexation Agreement Regarding Certain Territory Hollis Township (Amedeo, LLC) (BS)
(~~KU~~)
4. Ordinance No. 2419 - An Ordinance Providing for the Annexation of Certain Property – (Deppert, Amedeo, IDOT) (BS)
(~~KU~~)
5. Ordinance No. 1568-A-151 A-152- Providing for the Zoning of Certain Property (7 Tracts I-1) (BS)
(~~KU~~)
6. Ordinance No. 2420-OA – Amending Title 9, Chapter 7A of the Code of the City of Pekin Regarding Zoning Code/Special Uses in Agricultural District (JW)
7. Ordinance No. 2421-OA – Amending Title 9, Chapter 10 of the Code of the City of Pekin Regarding Zoning Code/Theme Parks Equestrian Parks Marine Parks (JW)
8. Ordinance No. 2422-OA - Amending Title 9, Chapter 10B of the Code of the City of Pekin Regarding Zoning Code/Off-Street Parking (JW)
9. Ordinance No. 2423 - Amending Title 1 of the Code of the City of Pekin Regarding Administrative Adjudication of Ordinance Violations (JW)
10. Ordinance No. 2424 - Authorizing A Hearing Officer Agreement With J. Brian Heller (JW)
11. Special Use for Drive-Up for property located at 1470 Valle Vista Blvd (JW)
12. Site Plan for property located at 1470 Valle Vista Blvd for Banking Services (JW)
13. Special Use for Roadside Stand in the Northwest Corner of parking lot of County Market (JW)
14. Site Plan for Roadside Stand in the Northwest Corner of parking lot of County Market (JW)
15. Bids Sidewalk Project (JW)

IX. ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Public Questions

Press Time

X. EXECUTIVE SESSION

Collective Bargaining ILCS 120/2 (c) 3.

XI. ADJOURNMENT

**PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF THE CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY, MARCH 14, 2005 AT 5:30 O'CLOCK P.M.
LYNDELL N. HOWARD * MAYOR * PRESIDING**

PRESENT: COMMISSIONERS, MADDOX, RICHMOND, AND JONES

ABSENT: COMMISSIONER MASSAGLIA

The **Pledge of Allegiance** was led by Amy St. Andrew and group of students from Pekin Community High School.

Roll was called and all commissioners were present except Commissioner Massaglia. A quorum was present.

Agenda

Motion by Com'r. Maddox, seconded by Com'r. Jones, that the **agenda be approved as presented**. On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Jones, that the **Minutes of the Regular City Council Meeting of February 28, 2005, be approved as written**. On roll call vote, all present voted Aye.

Consent Agenda

Motion by Com'r. Maddox, seconded by Com'r. Richmond, that the Consent Agenda **be approved as presented**. City Clerk Sue McMillan presented the following items under consent Agenda.

1. Receive and File Monthly Reports: Police, Fire, Tazewell County Animal Control, Inspections, Traffic Safety, and Building
2. Proclamation: "Motorcycle Awareness" Month of May
"Job's Daughters Day" March 22, 2005
"Doctors' Week" March 30, 2005
3. Charitable Solicitation: Central Illinois Lightning Baseball Team Tag Day April 23, 2005
4. Receive and File 2005 GO Bond Proposals
5. Receive and File Application for Federal Assistance with DOT for Pekin Municipal Bus Service
6. Wastewater Treatment Contract Operations Process

On roll call vote, all present voted Aye.

Communications, Petitions, Reports

Fire Chief Chuck Lauss presented the traditional fire ax plaque to retired firefighter Dan Bonnette for his 27 years of service to the City of Pekin.

A Public Hearing was opened at 5:40 p.m. by Mayor Howard for the purpose of receiving comments on the Five-Year Consolidated Plan and Action Plan. Community Development Director Pamela Anderson presented the goals and objective of the CDBG strategic plan in a PowerPoint presentation. The Plan called for elimination of loans to businesses under EDFAP and increased the amount of money used to repair low-medium housing. Ivan Berg Executive Director of United Way addressed Council and thanked them for support given to the organization through the efforts of the Plan. Council members spoke in support of the action and complimented the preparation of the plan's new requirements. The hearing was closed at 5:48 p.m. with no additional comments from the public.

Unfinished Business

ORDINANCE NO. 2412

AMENDING TITLE 1, CHAPTER 5, SECTION 3 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING ELECTRONIC ATTENDANCE AT PUBLIC MEETINGS

Motion by Com'r. Maddox, seconded by Com'r. Jones, that Ordinance No. 2412 be removed from the table. On roll call vote, all present voted Aye.

Corporation Council Sue Bosich explained to Council the intention of the amendment to allow members to participate in meetings without being physically present when out of town on business. Com'r. Maddox spoke in support of the phone conferencing to vote and clarified that the practice would not apply to vacations. Com'r. Jones expressed concern for passing the ordinance prior to State legislature approval.

The clerk restated the original motion introduced at the meeting on February 28, 2005 that Ordinance No. 2412 be adopted. On roll call vote, all present voted; Maddox, Richmond, Howard, Aye; Jones Nay. Motion carried.

Motion by Com'r. Maddox, seconded by Com'r. Richmond, that the **SPECIAL USE REQUEST FOR USED CAR LOT AT 1800 COURT STREET** be removed from the table. On roll call vote, all present voted Aye.

Public Works Director Joe Wuellner had given Council additional information and a sketched landscape buffer design on the esthetics of the business to be located across Court Street from a visible park area and school.

The clerk restated the clerk restated the original motion introduced at the meeting of February 28, 2005. On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Richmond, that the **SITE PLAN FOR USED CAR LOT AT 1800 COURT STREET** be removed from the table. On roll call vote, all present voted Aye. The clerk restated the clerk restated the original motion introduced at the meeting of February 28, 2005. On roll call vote, all present voted Aye.

New Business

Motion by Com'r. Richmond, seconded by Com'r. Maddox, that the **FIVE YEAR CONSOLIDATED PLAN AND ONE YEAR ACTION PLAN** be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A 232

AMENDING TITLE 8, CHAPTER 2, SECTION 9 OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING AUTHORIZED STOPS

Motion by Com'r. Richmond, seconded by Com'r. Jones, that Ordinance No. 1462-A 232 be adopted. Com'r. Richmond as Chairman of the Committee, presented Traffic Safety member's recommendation to place stop signs at Monticello and at Potomac to complete the Tharp/Arlington circle of traffic in the Marigold Subdivision. On roll call vote, all present voted Aye.

Motion by Com'r. Richmond, seconded by Com'r. Jones, that the **ENGINEERING AGREEMENT WITH CRAWFORD, MURPHY & TILLY, INC.** for redesign and signalization of the intersection at 14th and Park Avenue in the amount of \$37,800 be adopted. Mr. Wuellner told Council that the project would facilitate traffic in the congested area and would be funded through Motor Fuel Tax, the following two appropriating resolutions. The project would start in March 2006 and was estimated at \$275,000. On roll call vote, all present voted Aye.

RESOLUTION NO. 97-04/05

ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT)

APPROPRIATING MFT FUNDING FOR ENGINEERING IN THE AMOUNT OF \$37,800.00

Motion by Com'r. Richmond, seconded by Com'r. Jones, that Resolution No. 97-04/05 be adopted. On roll call vote, all present voted Aye.

RESOLUTION NO. 98-04/05
ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT)

APPROPRIATING MFT FUNDING FOR CONSTRUCTION IN THE AMOUNT OF \$90,750.00

Motion by Com'r. Richmond, seconded by Com'r. Jones, that Resolution No. 98-04/05 be adopted. On roll call vote, all present voted Aye.

ORDINANCE NO. 2414-OA
AMENDING TITLE 9, CHAPTERS 6 AND 7 OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING SPECIAL USE LIQUOR SALES

Motion by Com'r. Richmond, seconded by Com'r. Maddox, that Ordinance No. 2414-OA be adopted. Mr. Wuellner explained the amendment would transfer approval process for liquor special use by the Planning Commission to the newly established Liquor Commission. On roll call vote, all present voted Aye.

RESOLUTION NO. 99-04/05
ACCEPTING A DEED FOR OUTLOT B IN SUNSET HILLS EXT. NO. 25
PIN #10-10-14-207-003

Motion by Com'r. Jones, seconded by Com'r. Richmond, that Resolution No. 99-04/05 be adopted. Council was advised that the parcel inadvertently, had never been conveyed to the City for the Vista Grande Lift Station on 14th Street. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Maddox, that the **QUOTE FROM BIX SERVICE** for installation of a de-watering system at Eastside Fire Station in the amount of \$9,450.00 be accepted and approved. Director of Public Property Greg Ranney reported that the City had received a citation from the Illinois Department of Labor for violation of the Health and Safety Act. He indicated several attempts had been made over the last 14 years to solve the basement water problem. Mr. Ranney recommended the approval of the low bid which included lifetime warranty. On roll call vote, all present voted Aye.

ORDINANCE NO. 2415
PROVIDING FOR THE ISSUE OF A TAXABLE GENERAL OBLIGATION BOND
SERIES 2005 IN THE AMOUNT OF \$1,120,000.00

Motion by Com'r. Jones, seconded by Com'r. Maddox, that Ordinance No. 2415 be adopted. Finance Director Bob Reis advised that the intent of the bond was to fund the purchase of property for extension of Riverway Business Park. Council received recommendation that Morton Community Bank be awarded the bid for the bonds sales at 5.125 percent interest. On roll call vote, all present voted Aye.

ORDINANCE NO. 2416
PROVIDING FOR EXECUTION OF AN AGREEMENT TO PURCHASE AND THE
PURCHASE OF REAL PROPERTY

Motion by Com'r. Jones, seconded by Com'r. Maddox, that Ordinance No. 2416 be adopted. Planning and Development Director Kim Uhlig advised Council that there were only 45 acres of property left in the RWBP and that it was important for economic development to purchase this adjacent property now. She expressed that it was important for residents in the South Fifth Street area to know that the business park would be residential-friendly. The homes would be buffered for development. On roll call vote, all present voted Aye.

Other Business

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

Motion by Com'r. Jones, seconded by Com'r. Richmond that Council move to **Executive Session** at 6:20 P.M. to discuss 120/2 (c) 7, Purchase of Real Estate and, Litigation,, ILCS 120/2 (c) 7, & 11. On roll call vote, all present voted Aye.

No further business to come before the Council, a motion was made by Com'r. Jones, seconded by Com'r. Richmond that Council adjourn. On roll call vote, all present voted Aye.

COUNCIL ADJOURNED AT 6:40 P.M.

Sue E. McMillan
City Clerk



City of Pekin
Project Status Report

Project	Status	Remarks	Contact
Veterans Dr. – Commercial Dr. to Route 29	Preliminary Design	Phase 1 Study Complete. IDS underway for Route 29 intersection. Negotiating with property owners. Waiting on Federal/State \$.	Denny
Veterans Dr. – Broadway to 474	Preliminary Design	Phase 1 Underway including Interchange Justification at 474	Denny
Pekin Dragon Dome	Construction	Punchlist items remain and completion of paving and landscape.	Ron
Riverfront Park	Construction	Construction started.	Andy
Street Maintenance 2005	Planning	Plan for this year being compiled by Street Supervisor.	Dave P.
Lake Arlann Dredging	Suspended	Dredging lake suspended for the winter.	Joe
Pekin Lake	Planning	Northern unit at HQ for review and approval. Southern unit has been reviewed.	Joe
Brick Streets	Construction	Will resume in the spring.	Dave P.
Broadway Widening	Planning	Working with County (Lead Agency) 2008 Construction	Denny
Broadway @ Parkway	Awaiting Funds	Intersection upgrade. IDS complete. Awaiting additional funding	Joe
Forest Dr. @ Court St.	Awaiting Funds	Intersection Design Study Complete. Awaiting Funding	Joe
14 th @ Park Avenue	Design	Design being completed. Set for January 2006 IDOT letting.	Joe
Waste Water Treatment Plant	Preliminary Design	Mandated CSO Assessment Study Underway	Denny
IL Bio-Diesel Plant	Planning	Still waiting funding.	Joe
First Baptist Extension	Construction	Addition to existing building for offices.	Ron
Pekin Church of God 1010 El Camino Dr.	Construction	New Church Building.	Ron
Hickory Hills 4	Construction	Building houses.	Ron
Deerfield 3	Construction	Building houses.	Ron
Marigold 9A	Construction	Building houses.	Ron
Marigold 10 & 11	Construction	Work starting on utilities.	Ron
Lake Kennedy 2	Construction	Building houses	Ron
Lutticken's Cove	Construction	Building houses	Ron
Lutticken's Villas	Construction	Building houses	Ron
Lutticken's Cove 3	Planning	Rezoning of third section denied by Planning Commission again.	Ron
Lake Whitehurst	Construction	Building houses	Ron
Sunset Hills 30/31/32	Construction	Building houses	Ron

City of Pekin
Project Status Report

Project	Status	Remarks	Contact
Apartment Complex – Edgewater Dr. & Lakeshore	Construction	Construction has begun.	Ron
Sierra Drive	Completed	Curbs and sewers installed for 4 lots.	Ron
Sunset Lake Estates	Planning	Project is still under review by the DNR. No date yet for construction.	Joe
Grain Elevator Demolition	Construction	Work continuing on grain elevator removal along river.	Joe
Old City Salt Building	Complete	Fastenal is open for business	Ron
Continental Carbonics	Construction	Addition to existing facility.	Ron
Heilig-Meyers Bldg	Construction	Remodeling building for new tenants.	Ron
Strip Plaza – Super WalMart	Construction	The Game Stop is open and working on Radio Shack	Ron
Benassi Roofing	Construction	Extending existing building. 5th & Market	Ron
East Court Village (Mall)	Construction	Demolition and rebuild ongoing.	Ron
East Court Village North (Shopko)	Construction	Interior remodeling underway.	Ron
Pekin Hospital	Construction	Remodel OB/Gyn and Nursery areas	Ron
Goody's	Construction	Working on finishing out interior. (in SHOPKO Bldg.)	Ron
Steak N Shake Relocation	Bidding	Drawings received for relocating Steak N Shake to lot in front of Shopko	Ron
Menard's Remodel	Complete		Ron
DRA Const. Office	Construction	Starting interior work of their office on Ann Eliza	Ron
Dollar Tree	Construction	Starting interior trim work.	Ron
East Court Village Outlot E	Construction	Work has begun on new strip mall in parking lot behind Culvers	Ron
Claire's Boutique	Construction	Started build out in East Court Village Bldg A. (Hobby Lobby)	Ron
RUE 21	Construction	Finishing interior remodel. (Bergner's)	Ron
Hibbett's Sports	Construction	Finishing interior remodel. (Hobby Lobby)	Ron
Car Lot, 1800 Court	Construction	Started work on building.	Ron
WalMart Outlot 2	Planning	Potential client submitting drawings for site development	Ron
West Campus	Planning	Working with developers on conversion of old high school building.	Ron
Parkway Area Storm Sewer Study	Planning	Proposal for modification to existing drainage received.	Joe



United Water Services
606 South Front Street
P.O. Box 883
Pekin, Illinois 61555-0883
telephone 309-477-2333
facsimile 309-347-3298
e-mail djhughes@unitedwater.com

February 17, 2005

Mr. Dennis Kief
Public Works Director
City of Pekin, Illinois
111 South Capitol Street
Pekin, Illinois 61554

SUBJECT: January 2005 Monthly Summary

Dear Mr. Kief:

The monthly report is attached. Please contact Alice Ohrtmann (815-297-1166) or me if you have any questions, comments, or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Don Hughes".

Don Hughes
Project Manager

Cc:

Alice Ohrtmann
John Cheslik
File

Attachments: Pekin Wastewater Treatment Monthly Summary
DMR report for this reporting period

PEKIN WASTEWATER TRETMENT FACILITY MONTHLY SUMMARY FOR JANUARY 2005

Regulatory Compliance

Please find the monthly discharge monitoring reports attached. The monthly CBOD average was 7 mg/l and the Suspended Solids was 13 mg/l for the treatment plant effluent. Excursions during this reporting were for the minimum DO limit which was not met on 12 days. There were no other excursions during this reporting period.

Sludge Management

During this reporting period we processed 0.653 million gallons of sludge from the primary tanks and 3.11 million gallons of waste activated sludge across the belt thickener. There were 363,000 gallons of digested sludge drained from the digester during the month.

Safety

Two safety tailgate meetings were conducted during this reporting period. Fire extinguishers and first aid kits were inspected and replenished as needed. We are continuing to keep logs of visitors to the facility for security purposes. No safety issues were raised during this reporting period.

Personnel

Staff continues to work on improving work processes and skills. One employee is planning to take the Class 1 exam in February.

Process Control

We are using the MCRT, Sludge Volume Index, Settleometers, and Microscopic Exams for process control. The target MCRT for the three secondary processes is 7-8 days. Modifications to the plant will be needed to meet the minimum DO requirement routinely at the effluent sampler location. Installation of some air diffusers in the last pass of the chlorine contact chambers may be tried to see if the minimum DO can be maintained routinely. The IEPA will have to determine if this is an allowable method to meet the minimum DO limit.

Maintenance Management

The monthly work order summary for this reporting period is attached. We are continuing to emphasize preventive and predictive maintenance. The #3 blower has been refurbished and returned to the plant and is being installed by an outside contractor.

Capital Improvements

The repair of the 64 digester leak was successful and the project is now complete. A new flow meter for the FBOP process and installation of a new VFD to operate one of the FBOP RAS pumps is needed. The duck bill back flow prevention device at the Caroline Street overflow needs to be replaced and a similar device needs to be added to the influent pipe into the storm lagoon at WWTP #1.

Community Relations

Additional involvement is anticipated during the planning for the wastewater plant upgrade and needs assessment meetings. Attended the member services committee meeting with the Chamber of Commerce.

Work Order Statistics
Pekin Wastewater Facility
01/01/2005-01/31/2005

WO Type	Received Wos	Completed Wos
CM	55	55
PM	23	23
RM	56	56
SAFETY	5	5
SUP	48	48
GRAND TOTAL	187	187

United Water



United Water Services
PWW TF
606 South Front Street
PO Box 883
Pekin, Illinois 61555-0883
telephone 309-477-2333
facsimile 309-347-3298
e-mail dhughes@unitedwater.com

February 4, 2005

Mr. Jay Balmer
State of Illinois
Environmental Protection Agency
Bureau of Water
Compliance Assurance Section, #19
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL. 62794-9276

SUBJECT: City of Pekin, IL
NPDES Permit # IL0034495
Monthly DMR reports for January 2005

Dear Mr. Balmer:

The purpose of this letter is to transmit the above subject DMR reports. The minimum DO was exceeded 12 times during this reporting period, with the lowest result being 3.9 mg/L. Experimental work is planned to determine the best way to meet the minimum DO requirement. There were no other excursions during this reporting period.

If you have any questions or would like additional information, please call me at (309) 477-2333 at your convenience.

Sincerely,

Don Hughes
Project Manager

Cc Mr. Jim Kammeuller
Alice Ohrtmann
John Cheslik
~~Dennis Kief~~
File

PERMITTEE NAME/ADDRESS:
Name Pekin STP #1, CITY OF
ADDRESS 111 S. CAPITOL STREET
PEKIN, ILLINOIS 61554

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) OCR0897

DISCHARGE MONITORING REPORT (DMR)

Treated Combined Sewage Outfall (OVER 8.7 MGD)

IL0034495
PERMIT NUMBER

002 0
DISCHARGE NUMBER

(SUBR 03)

F-FINAL

Form Approval. 12345

OMB No. 2040-004

Approval Expires 10-31-94

FACILITY: PEKIN STP #1, CITY OF
LOCATION: 606 SOUTH FRONT STREET
PEKIN, ILLINOIS 61554

MONITORING PERIOD

FROM 05 | 01 | 01 TO 05 | 01 | 31
(20-21) (22-23) (24-25) (26-27) (28-29) (30-31)

MAJOR

EFFLUENT

NO DISCHARGE ☐ ***

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNIT			
BOD, 5-DAY (20 DEG. C) 00310 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****	26	*****	18	*****	19	NA	375	GR
	PERMIT REQUIREMENT	*****	*****	LBS/DAY	*****	REPORT MO AVG	*****	MG/L		DLYWH DISCHR	GRAB
PH 00400 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****	****	6.79	*****	7.60	12	0	375	GR
	PERMIT REQUIREMENT	*****	*****	****	6.0 MINIMUM	*****	9.0 MAXIMUM	SU		DLYWH DISCHR	GRAB
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****	26	*****	85	*****	19	NA	375	GR
	PERMIT REQUIREMENT	*****	*****	LBS/DAY	*****	REPORT MO AVG	*****	MG/L		DLYWH DISCHR	GRAB
CHLORINE, TOTAL RESIDUAL 50060 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****	26	*****	1.83	*****	19	0	250	GR
	PERMIT REQUIREMENT	*****	*****	LBS/DAY	*****	2.0 MO AVG	*****	MG/L		DLYWH DISCHR	GRAB
COLIFORM, FECAL GENERAL 74055 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****		*****	*****	10	13	0	250	GR
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	400 DAILY MX	#/100ML		DLYWH DISCHR	GRAB
FLOW, TOTAL 82220 1 0 1 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	9.165	(3R)	*****	*****	*****		NA	375	GR
	PERMIT REQUIREMENT	*****	Report Mo Total	MGAL	*****	*****	*****	*****		DAILY	CONTIN
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

NAME / TITLE PRINCIPAL EXECUTIVE OFFICER

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY
DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL
PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS
WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE
INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM
AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY
OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

Donald J. Hughes / Project Manager

TYPED OR PRINTED

SIGNATURE OF PRINCIPAL EXECUTIVE

OFFICER OR AUTHORIZED AGENT

TELEPHONE

DATE

309-477-2333

05 | 02 | 04

AREA CODE NUMBER

YEAR MO DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS

(Reference all attachments here)

NUMBER OF DAYS OF DISCHARGE: 6 Total flow is not correct due to the river elevation preventing discharge from the outfall.

E.R.

Forms by WindowChem(707)864-0845;pn11090;v5.01;4/1/96

PERMITTEE NAME/ADDRESS:

Name PEKIN STP #1, CITY OF
ADDRESS:111 S. CAPITOL STREET
PEKIN, ILLINOIS 61554

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)OCR0897

DISCHARGE MONITORING REPORT (DMR)

IL0034495
PERMIT NUMBER

INF L
DISCHARGE NUMBER

INFLUENT MONITORING

(SUBR 03)

Form Approval. 12345

F-FINAL

OMB No. 2040-004

MAJOR

Approval Expires 10-31-94

INFLUE No Discharge ***

NOTE: Read Instructions before completing this form.

FACILITY: PEKIN STP #1, CITY OF
LOCATION:606 SOUTH FRONT STREET
PEKIN, ILLINOIS 61554

MONITORING PERIOD							
FROM	05	01	01	TO	05	01	31
	(20-21)(22-23)(24-25)				(26-27) (28-30-31)		

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNIT			
BOD, 5-DAY (20 DEG. C) 00310 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*****	*****	26	*****	147	*****	19	NA	260	CP
	PERMIT REQUIREMENT	*****	*****	LBS/DY	*****	REPORT MO AVG	*****	MG/L		5 DAYS WEEK	COMPO
SOLIDS, TOTAL SUSPENDED 00530 G 0 0 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	*****	*****	26	*****	134	*****	19	NA	260	CP
	PERMIT REQUIREMENT	*****	*****	LBS/DY	*****	REPORT MO AVG	*****	MG/L		5 DAYS WEEK	COMPO
FLOW, IN CONDUIT OR THU TREATMENT PLANT 50050 G 0 1 RAW SEW/INFLUENT	SAMPLE MEASUREMENT	4.33	5.70	03	*****	*****	*****		NA	105	RT
	PERMIT REQUIREMENT	REPORT MO AVG	REPORT DAILY MX	MGD	*****	*****	*****	****		CONTINUOUS	RCOTOT
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

NAME / TITLE PRINCIPAL EXECUTIVE OFFICER

Donald J. Hughes / Project Manager
TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

Donald J. Hughes
SIGNATURE OF PRINCIPAL EXECUTIVE
OFFICER OR AUTHORIZED AGENT

TELEPHONE	DATE
309-477-2333	05 02 04
AREA CODE NUMBER	YEAR MO DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS

(Reference all attachments here)

Forms by WindowChem(707)884-0845;pin11090;v5.01;4/1/98

E.R.

PERMITTEE NAME/ADDRESS:

Name Pekin STP #1, CITY OF
ADDRESS 111 S. CAPITOL STREET
PEKIN, ILLINOIS 61554

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)OCR0897

DISCHARGE MONITORING REPORT (DMR)

STP OUTFALL

IL0034495
PERMIT NUMBER

001 0
DISCHARGE NUMBER

(SUBR 03)
F-FINAL

Form Apprival. 12345
OMB No. 2040-004
Approval Expires 10-31-94

FACILITY:PEKIN STP #1, CITY OF
LOCATION: 606 SOUTH FRONT STREET
PEKIN, ILLINOIS 61554

MONITORING PERIOD					
FROM	05	01	01	TO	05 01 31
	(20-21)	(22-23)	(24-25)		(26-27) (28-29) (30-31)

MAJOR
EFFLUENT

NO DISCHARGE ☐ ***

NOTE: Read instructions before completing this form.

PARAMETER (32-37)	X	QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNIT			
OXYGEN, DISSOLVED (DO) 00300 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****	26	3.9	*****	*****	19	12	260	GR
	PERMIT REQUIREMENT	*****	*****	LBS/DAY	6.0 MINIMUM	*****	*****	MG/L		5 DAYS WEEK	GRAB
PH 00400 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****	*****	7.2	*****	7.6	12	0	260	GR
	PERMIT REQUIREMENT	*****	*****	*****	6.0 MINIMUM	*****	9.0 MAXIMUM	SU		5 DAYS WEEK	GRAB
SOLIDS, TOTAL SUSPENDED 00530 1 0 2 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	479	726	26	*****	13	18	19	0	260	CP
	PERMIT REQUIREMENT	1814 MO AVG	3265 WKLY AVG	LBS/DAY	*****	25 MO AVG	45 WKLY AVG	MG/L		5DAYS WEEK	COMPO
NITROGEN, AMMONIA TOTAL (AS N) 00610 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	272	26	*****	*****	7.3	19	0	260	CP
	PERMIT REQUIREMENT	*****	1778 DAILY MX	LBS/DAY	*****	*****	24.5 DAILY MX	MG/L		5DAYS WEEK	COMPO
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	4.33	6.60	03	*****	*****	*****		NA	105	RT
	PERMIT REQUIREMENT	REPORT MO AVG	REPORT DAILY MX	MGD	*****	*****	*****	*****		CONTIN UOUS	RCOTOT
CHLORINE, TOTAL RESIDUAL 50060 1 0 1 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****	26	*****	*****	NA	19	NA	500	GR
	PERMIT REQUIREMENT	*****	*****	LBS/DAY	*****	*****	0.75 DAILY MX	MG/L		CLRNT N	GRAB
BOD, CARBONACEOUS 05 DAY, 20C 80082 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	265	377	26	*****	7	9	19	0	260	CP
	PERMIT REQUIREMENT	1451 MO AVG	2902 WKLY AVG	LBS/DAY	*****	20 MO AVG	40 WKLY MX	MG/L		5DAYS WEEK	COMPO
NAME / TITLE PRINCIPAL EXECUTIVE OFFICER								TELEPHONE		DATE	
DONALD J. HUGHES / Project Manager TYPED OR PRINTED								309-477-2333		05 02 04	
								AREA CODE NUMBER		YEAR MO DAY	

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED, BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION. THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

SIGNATURE OF PRINCIPAL EXECUTIVE
OFFICER OR AUTHORIZED AGENT

(Reference all attachments here)

COMMENT AND EXPLANATION OF ANY VIOLATIONS
DMF LOAD LIMITS DISPLAYED. Twelve effluent DO readings were below the 6.0 mg/L limit.
Effluent flow is an estimate due to a bad flow measuring device high river eleva E.R.

Forms by WindowChem(707)864-0845;p/n11090;y5.01/4/96

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
CSO DISCHARGE MONITORING REPORT (DMR)**

MONITORING PERIOD: 01 / 1 / 05
MONTH YEAR

NO CSO DISCHARGES OCCURRED: ☐

NAME: <u>PEKIN, ILLINOIS</u>			PERMIT NUMBER: <u>IL0034495</u>		
ADDRESS:					
CITY: <u>PEKIN</u>		STATE: <u>IL</u>		ZIP CODE: <u>61554</u> TELEPHONE: <u>(309) 477-2333</u>	
RAIN EVENT START DATE:	ESTIMATED DURATION OF EVENT (IN HOURS):	ESTIMATED AMOUNT OF RAINFALL (IN INCHES):	CSO OUTFALLS THAT DISCHARGED:		ESTIMATED DURATION OF CSO DISCHARGE (IN HOURS):
			OUTFALL NUMBER:	OUTFALL DESCRIPTION:	
<u>01/01</u>	<u>3.5</u>	<u>0.25</u>	<u>002</u>	<u>TREATED COMBINED SEWAGE OUTFALL</u>	<u>2.5</u>
			<u>003</u>	<u>STATE STREET LIFT STATION</u>	<u>0</u>
			<u>004</u>	<u>CAROLINE STREET OVERFLOW</u>	<u>0</u>
			<u>005</u>	<u>COURT STREET OVERFLOW</u>	<u>0</u>
			<u>006</u>	<u>FAYETTE STREET OVERFLOW</u>	<u>0</u>
<u>01/3-5</u>	<u>8.5</u>	<u>0.75</u>	<u>002</u>	<u>SAME AS ABOVE</u>	<u>5.9</u>
			<u>003</u>	<u>" " "</u>	<u>1.4</u>
			<u>004</u>	<u>" " "</u>	<u>0.6</u>
			<u>005</u>	<u>" " "</u>	<u>0/5</u>
			<u>006</u>	<u>" " "</u>	<u>2.3</u>
<u>01/12-13</u>	<u>6.0</u>	<u>1.125</u>	<u>002</u>	<u>SAME AS ABOVE</u>	<u>10.5</u>
			<u>003</u>	<u>" " "</u>	<u>8.0</u>
			<u>004</u>	<u>" " "</u>	<u>0.7</u>
			<u>005</u>	<u>" " "</u>	<u>2.1</u>
			<u>006</u>	<u>" " "</u>	<u>4.8</u>

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER: <u>DONALD J. HUGHES</u> <u>PROJECT MANAGER</u> TYPED OR PRINTED	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION I BELIEVE THE SUBMITTED INFORMATION IS TRUE ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT SEE 18 USC § 1001 AND 33 USC § 1319 (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years)	DATE	
		<u>02</u>	<u>04</u> <u>05</u> MO DAY YEAR
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT: <u>Donald Hughes</u>			

This Agency is authorized to require this information under Illinois Revised Statutes, 1991, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.



United Water Services
606 South Front Street
P.O. Box 883
Pekin, Illinois 61555-0883
telephone 309-477-2333
facsimile 309-347-3298
e-mail djhughes@unitedwater.com

March 21, 2005

Mr. Dennis Kief
Public Works Director
City of Pekin, Illinois
111 South Capitol Street
Pekin, Illinois 61554

SUBJECT: February 2005 Monthly Summary

Dear Mr. Kief:

The monthly report is attached. Please contact Alice Ohrtmann (815-297-1166) or me if you have any questions, comments, or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Don Hughes".

Don Hughes
Project Manager

Cc:

Alice Ohrtmann
John Cheslik
File

Attachments: Pekin Wastewater Treatment Monthly Summary
DMR report for this reporting period

**PEKIN WASTEWATER TRETMENT FACILITY
MONTHLY SUMMARY FOR FEBRUARY 2005**

Regulatory Compliance

Please find the monthly discharge monitoring reports attached. The monthly CBOD average was 8 mg/l and the Suspended Solids was 10 mg/l for the treatment plant effluent. Excursions during this reporting were for the minimum DO limit which was not met on 14 days. There were no other excursions during this reporting period.

Sludge Management

During this reporting period we processed 0.59 million gallons of sludge from the primary tanks and 2.82 million gallons of waste activated sludge across the belt thickener. There were 373,500 gallons of digested sludge drained from the digester during the month.

Safety

Two safety tailgate meetings were conducted during this reporting period. Fire extinguishers and first aid kits were inspected and replenished as needed. We are continuing to keep logs of visitors to the facility for security purposes. No safety issues were raised during this reporting period. There is a need for a stairway from the road to the sidewalk at the storm lagoon to improve plant safety.

Personnel

Staff continues to work on improving work processes and skills. One employee is planning to take the Class 1 exam in March.

Process Control

We are using the MCRT, Sludge Volume Index, Settleometers, and Microscopic Exams for process control. The target MCRT for the three secondary processes is 7-8 days. Modifications to the plant will be needed to meet the minimum DO requirement routinely at the effluent sampler location. Installation of some air diffusers in the last pass of the chlorine contact chambers may be tried to see if the minimum DO can be maintained routinely. The IEPA will have to determine if this is an allowable method to meet the minimum DO limit.

Maintenance Management

The monthly work order summary for this reporting period is attached. We are continuing to emphasize preventive and predictive maintenance. The #3 blower has been installed and is on line daily. Baseline vibration testing will be performed on the refurbished unit along with the quarterly vibration analysis in April.

Capital Improvements

The control system for the 64 digester is being reviewed. Additional work may be needed to insure all systems are operational. A new flow meter has been approved for the FBOP process and will be installed as soon as possible. VFD replacement is also needed to improve process reliability.

Community Relations

Additional involvement is anticipated during the planning for the wastewater plant upgrade and needs assessment meetings. Attended the member services committee meeting with the Chamber of Commerce. Participation in the Environmental Education Day is being planned for May.

Work Order Statistics
Pekin Wastewater Facility
02/01/2005-02/28/2005

WO Type	Received Wos	Completed Wos
CM	38	38
PM	45	45
RM	63	63
SAFETY	5	5
SUP	45	45
GRAND TOTAL	196	196



United Water Services
PWW TF
606 South Front Street
PO Box 883
Pekin, Illinois 61555-0883
telephone 309-477-2333
facsimile 309-347-3298
e-mail dhughes@unitedwater.com

March 14, 2005

Mr. Jay Balmer
State of Illinois
Environmental Protection Agency
Bureau of Water
Compliance Assurance Section, #19
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL. 62794-9276

SUBJECT: City of Pekin, IL
NPDES Permit # IL0034495
Monthly DMR reports for February 2005

Dear Mr. Balmer:

The purpose of this letter is to transmit the above subject DMR reports. The minimum DO was exceeded 14 times during this reporting period, with the lowest result being 5.3 mg/L. Experimental work is planned to determine the best way to meet the minimum DO requirement. There were no other excursions during this reporting period.

If you have any questions or would like additional information, please call me at (309) 477-2333 at your convenience.

Sincerely,

Don Hughes
Project Manager

Cc Mr. Jim Kammeuller
Alice Ohrtmann
John Cheslik

File

PERMITTEE NAME/ADDRESS:

Name Pekin STP #1, CITY OF
ADDRESS 111 S. CAPITOL STREET
PEKIN, ILLINOIS 61554

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) OCR0897
DISCHARGE MONITORING REPORT (DMR)

IL0034495
PERMIT NUMBER

002 0
DISCHARGE NUMBER

Treated Combined Sewage Outfall (OVER 8.7 MGD)

(SUBR 03)

F-FINAL

Form Approval. 12345

OMB No. 2040-004

Approval Expires 10-31-94

FACILITY: PEKIN STP #1, CITY OF
LOCATION: 606 SOUTH FRONT STREET
PEKIN, ILLINOIS 61554

MONITORING PERIOD
FROM 05 | 02 | 01 TO 05 | 02 | 28
(20-21) (22-23) (24-25) (26-27) (28-29) (30-31)

MAJOR

EFFLUENT

NO DISCHARGE ☐ ***

NOTE: Read instructions before completing this form.

PARAMETER (32-37)	SAMPLE MEASUREMENT	QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNIT			
BOD, 5-DAY (20 DEG. C) 00310 1 0 0 EFFLUENT GROSS VALUE	*****	*****	26	*****	48	*****	19	NA	375	GR	
	PERMIT REQUIREMENT	*****	*****	LBS/DAY	*****	REPORT MO AVG	*****		DLYWH DISCHR	GRAB	
PH 00400 1 0 0 EFFLUENT GROSS VALUE	*****	*****	****	6.60	*****	6.90	12	0	375	GR	
	PERMIT REQUIREMENT	*****	*****	****	6.0 MINIMUM	*****	9.0 MAXIMUM		DLYWH DISCHR	GRAB	
SOLIDS, TOTAL SUSPENDED 00530 1 0 0 EFFLUENT GROSS VALUE	*****	*****	26	*****	112	*****	19	NA	375	GR	
	PERMIT REQUIREMENT	*****	*****	LBS/DAY	*****	REPORT MO AVG	*****		DLYWH DISCHR	GRAB	
CHLORINE, TOTAL RESIDUAL 50060 1 0 0 EFFLUENT GROSS VALUE	*****	*****	26	*****	1.44	*****	19	0	250	GR	
	PERMIT REQUIREMENT	*****	*****	LBS/DAY	*****	2.0 MO AVG	*****		DLYWH DISCHR	GRAB	
COLIFORM, FECAL GENERAL 74055 1 0 0 EFFLUENT GROSS VALUE	*****	*****	*****	*****	*****	400 DAILY MX	#/100ML	0	250	GR	
	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	*****		DLYWH DISCHR	GRAB	
FLOW, TOTAL 82220 1 0 1 EFFLUENT GROSS VALUE	*****	0.365	(3R)	*****	*****	*****	*****	NA	375	GR	
	PERMIT REQUIREMENT	*****	Report Mo Total	MGAL	*****	*****	*****		DAILY	CONTIN	
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
NAME / TITLE PRINCIPAL EXECUTIVE OFFICER											
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED, BASED ON MY ENQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION. THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.											
Donald J. Hughes / Project Manager TYPED OR PRINTED											
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT TELEPHONE DATE											
309-477-2333 05 03 14											
AREA CODE NUMBER YEAR MO DAY											

COMMENT AND EXPLANATION OF ANY VIOLATIONS

NUMBER OF DAYS OF DISCHARGE: 3 Total flow is an estimate due to meter needing calibration.

(Reference all attachments here)

E.R.

Forms by WindowChem(707)864-0845;ph11090;v5.01;4/1/96

PERMITTEE NAME/ADDRESS:

Name PEKIN STP #1, CITY OF
ADDRESS:111 S. CAPITOL STREET
PEKIN, ILLINOIS 61554

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)OCR0897

DISCHARGE MONITORING REPORT (DMR)

IL0034495
PERMIT NUMBER

INF L
DISCHARGE NUMBER

INFLUENT MONITORING
(SUBR 03)

Form Approval. 12345

F-FINAL

OMB No. 2040-004

FACILITY: PEKIN STP #1, CITY OF
LOCATION:606 SOUTH FRONT STREET
PEKIN, ILLINOIS 61554

MONITORING PERIOD							
FROM	05	02	01	TO	05	02	28
	(20-21)(22-23)(24-25)				(26-27) (28 (30-31)		

MAJOR

Approval Expires 10-31-94

INFLUE No Discharge ☐ ***

NOTE: Read Instructions before completing this form.

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNIT			
BOD, 5-DAY (20 DEG. C) 00310 G 0 0 RAW SEW/ INFLUENT	SAMPLE MEASUREMENT	*****	*****	26	*****	199	*****	19	NA	260	CP
	PERMIT REQUIREMENT	*****	*****	LBS/DY	*****	REPORT MO AVG	*****	MG/L		5 DAYS WEEK	COMPO
SOLIDS, TOTAL SUSPENDED 00530 G 0 0 RAW SEW/ INFLUENT	SAMPLE MEASUREMENT	*****	*****	26	*****	203	*****	19	NA	260	CP
	PERMIT REQUIREMENT	*****	*****	LBS/DY	*****	REPORT MO AVG	*****	MG/L		5 DAYS WEEK	COMPO
FLOW, IN CONDUIT OR THU TREATMENT PLANT 50050 G 0 1 RAW SEW/ INFLUENT	SAMPLE MEASUREMENT	3.49	6.65	03	*****	*****	*****		NA	105	RT
	PERMIT REQUIREMENT	REPORT MO AVG	REPORT DAILY MX	MGD	*****	*****	*****	****		CONTINUOUS	RCOTOT
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										

NAME / TITLE PRINCIPAL EXECUTIVE OFFICER

Donald J. Hughes / Project Manager

TYPED OR PRINTED

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

SIGNATURE OF PRINCIPAL EXECUTIVE

OFFICER OR AUTHORIZED AGENT

TELEPHONE

309-477-2333

AREA CODE NUMBER

DATE

05 | 03 | 14

YEAR MO DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS

(Reference all attachments here)

E.R.

Forms by WindowChem(707)864-0845;ph11080;y5.01;4/1/96

PERMITTEE NAME/ADDRESS:

Name Pekin STP #1, CITY OF
ADDRESS 111 S. CAPITOL STREET
PEKIN, ILLINOIS 61554

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) OCR0897
DISCHARGE MONITORING REPORT (DMR) STP OUTFALL

IL0034495
PERMIT NUMBER

001 0
DISCHARGE NUMBER

(SUBR 03)
F-FINAL

Form Approval. 12345
OMB No. 2040-004
Approval Expires 10-31-94

FACILITY: PEKIN STP #1, CITY OF
LOCATION: 606 SOUTH FRONT STREET
PEKIN, ILLINOIS 61554

MONITORING PERIOD
FROM 05 | 02 | 01 TO 05 | 02 | 28
(20-21) (22-23) (24-25) (26-27) (28-29) (30-31)

MAJOR
EFFLUENT

NO DISCHARGE ☐ ***

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE	
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNIT				
OXYGEN, DISSOLVED (DO) 00300 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****	26	5.3	*****	*****	19	14	260	GR	
	PERMIT REQUIREMENT	*****	*****	LBS/DAY	6.0 MINIMUM	*****	*****	MG/L		5 DAYS WEEK	GRAB	
PH 00400 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****	*****	7.5	*****	7.7	12	0	260	GR	
	PERMIT REQUIREMENT	*****	*****	*****	6.0 MINIMUM	*****	9.0 MAXIMUM	SU		5 DAYS WEEK	GRAB	
SOLIDS, TOTAL SUSPENDED 00530 1 0 2 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	299	421	26	*****	10	14	19	0	260	CP	
	PERMIT REQUIREMENT	1814 MO AVG	3265 WKLY AVG	LBS/DAY	*****	25 MO AVG	45 WKLY AVG	MG/L		5 DAYS WEEK	COMPO	
NITROGEN, AMMONIA TOTAL (AS N) 00610 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	257	26	*****	*****	11.0	19	0	260	CP	
	PERMIT REQUIREMENT	*****	1778 DAILY MX	LBS/DAY	*****	*****	24.5 DAILY MX	MG/L		5 DAYS WEEK	COMPO	
FLOW, IN CONDUIT OR THRU TREATMENT PLANT 50050 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	3.26	8.40	03	*****	*****	*****		NA	105	RT	
	PERMIT REQUIREMENT	REPORT MO AVG	REPORT DAILY MX	MGD	*****	*****	*****	*****		CONTINUOUS	RCOTOT	
CHLORINE, TOTAL RESIDUAL 50060 1 0 1 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****	26	*****	*****	NA	19	NA	500	GR	
	PERMIT REQUIREMENT	*****	*****	LBS/DAY	*****	*****	0.75 DAILY MX	MG/L		CLRNT N	GRAB	
BOD, CARBONACEOUS 05 DAY, 20C 80082 1 0 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	216	277	26	*****	8	9	11	0	260	CP	
	PERMIT REQUIREMENT	1451 MO AVG	2902 WKLY AVG	LBS/DAY	*****	20 MO AVG	40 WKLY MX	MG/L		5 DAYS WEEK	COMPO	
NAME / TITLE PRINCIPAL EXECUTIVE OFFICER		I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.							TELEPHONE	DATE		
Donald J. Hughes / Project Manager TYPED OR PRINTED									SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		309-477-2333	05 03 14
COMMENT AND EXPLANATION OF ANY VIOLATIONS		(Reference all attachments here) DMF LOAD LIMITS DISPLAYED. Fourteen effluent DO readings were below the 6.0 mg/L limit. Effluent flow is an estimate due to a flow meter needing replaced. E.R.							AREA CODE NUMBER		YEAR MO DAY	

Forms by WindowChem(707)884-0845;p/n11090;v5.01;4/1/96

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
CSO DISCHARGE MONITORING REPORT (DMR)**

MONITORING PERIOD: 02 / 05
MONTH YEAR

NO CSO DISCHARGES OCCURRED: ☐

NAME: <u>PEKIN, ILLINOIS</u>			PERMIT NUMBER: <u>IL 0034495</u>		
ADDRESS:					
CITY: <u>PEKIN</u>		STATE: <u>IL</u>		ZIP CODE: <u>61554</u> TELEPHONE: <u>(309) 477-2333</u>	
RAIN EVENT START DATE:	ESTIMATED DURATION OF EVENT (IN HOURS):	ESTIMATED AMOUNT OF RAINFALL (IN INCHES):	CSO OUTFALLS THAT DISCHARGED:		ESTIMATED DURATION OF CSO DISCHARGE (IN HOURS):
			OUTFALL NUMBER:	OUTFALL DESCRIPTION:	
<u>2/6-7</u>	<u>3.5</u>	<u>0.4</u>	<u>002</u>	<u>TREATED COMBINED SEWAGE OUTFALL</u>	<u>2.3</u>
			<u>003</u>	<u>STATE STREET LIFT STATION</u>	<u>0</u>
			<u>004</u>	<u>CAROLINE STREET OVERFLOW</u>	<u>0</u>
			<u>005</u>	<u>COURT STREET OVERFLOW</u>	<u>0</u>
			<u>006</u>	<u>FAYETTE STREET OVERFLOW</u>	<u>0</u>
<u>2/13</u>	<u>6.5</u>	<u>0.4</u>	<u>002</u>	<u>SAME AS ABOVE</u>	<u>6.3</u>
			<u>003</u>	<u>" " "</u>	<u>0</u>
			<u>004</u>	<u>" " "</u>	<u>0</u>
			<u>005</u>	<u>" " "</u>	<u>0</u>
			<u>006</u>	<u>" " "</u>	<u>0</u>
<u>2/27-28</u>	<u>3.5</u>	<u>0.1</u>	<u>002</u>	<u>SAME AS ABOVE</u>	<u>0</u>
			<u>003</u>	<u>" " "</u>	<u>0</u>
			<u>004</u>	<u>" " "</u>	<u>0</u>
			<u>005</u>	<u>" " "</u>	<u>0</u>
			<u>006</u>	<u>" " "</u>	<u>0</u>

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER <u>DONALD J. HUGHES</u> <u>PROJECT MANAGER</u> TYPED OR PRINTED	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 USC 11001 AND 33 USC 1131 (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 3 years.)	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT 	DATE		
			MO <u>03</u>	DAY <u>14</u>	YEAR <u>05</u>

This Agency is authorized to require this information under Illinois Revised Statutes, 1991, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

City of Pekin
Airport Commission Meeting Minutes
February 9, 2005

Commissioners: Present – Peter Kalman, Charles Thomas, Robert Ehrich & Lillard Hedden
Attendees: Joe Wuellner & Dean Stagers

Chairman Kalman opened the meeting at 3:00pm.

Correspondence Received:

1. Annual insurance certificate from Curless Aviation for agricultural spraying.

Old Business:

1. Mr. Kalman stated that he had a chance to look at Mr. Miller's hangar door during a rain and found that water is running back in and dripping. Mr. Wuellner will look at it to see what can be done and to check other hangars.
2. Mr. Wuellner stated that there were still problems with the computer and no current budget was available.
3. Mr. Stagers updated that Quantum officially became the owner of Byerly Aviation on February 10th.
4. Mr. Wuellner updated the Commission on what has been done with regards to the use of the grain dryer. Fire Chief recommended that a procedure be put in place detailing how the dryer will be used and protection of the employees. Mr. Thomas would like a member of the fire department to attend the next meeting to address this issue. He recommended that they perform an inspection of the facility when the dryer is in use to verify the CO readings and then a written report on their findings and recommendations. Mr. Wuellner will talk to the Fire Chief to arrange this.

New Business:

1. No new business came before the Commission.

No other business to discuss and meeting adjourned at 4:00PM.

Next meeting will be April 13, 2005 at 3pm.

Inspection Meeting March 16, 2005

Following are the minutes of the meeting with follow up comments if any (in red):

1. Mark – on vacation.
2. Jack – everything going fine.
3. Juanita – asked about the checklists for the Planning Commission and Zoning Board packets (will get together when she returns). Stated that the file for the Certificates of Occupancy has disappeared (asked her to check with the computer section to see if it can be located on one of the backups). She will be off next week but will come in and get the minutes out in time for the council packet.
4. Larry – update on the Glendale sewer repair job and asked about getting the lot where the dirt was stored swept. Asked the status of Marigold 10 & 11 (work to start this week) & Derby St. sidewalks (future CDBG project) and what would become of the diagonal parking. Stated that work had resumed on the building at Outlot E.
5. Ron S. – still waiting for definitive answer on how 801 Hamilton will be handled. Feels that the site plan still needs to be worked out with owner. He will get with the contractor for the Outlot E project and get them up to date on permits. Still having problems with the computer program but the one he is looking at seems to be able to do what is needed. Will put a write up together on it and see if we can get the okay to purchase.
6. Joe W. – reported that the attorneys have come to an agreement with the proposed Administrative Adjudicator and it would be on the council agenda for March 28th with the first session the end of April. Reminded everyone to be careful when responding to questions.

NOTE:

Next meeting April 6, 2005

BID TABULATIONS

JOB DESCRIPTION AND LOCATION:

**CDBG 2001, 2002, 2003 & 2004 ADA SIDEWALK HANDICAP RAMPS PROJECTS
COURT STREET AND BROADWAY EAST OF 11TH AND WEST OF 14TH STREETS**

**OPENING DATE: MARCH 17, 2005 WALK THROUGH MARCH 3, 2005
BID OPENING 2:00 P.M.**

CONTRACTOR NAME	GUARANTY BOND/CHECK	BID	WALK TRU	COMPLETION 60 DAYS OR 6/22/05
P.A. ATHERTON		NO BID	X	
PEORIA CO. CONCRETE	check	\$87,610.90 (\$15.00)	X	
STARK EXCAVATING	bond	\$85,809.50 (\$18.97)	X	

ESTIMATE: \$
ESTIMATED BY Andy Whitaker

RESOLUTION No. 97-04/05

VI. 4.

PEKIN, ILLINOIS, March 28, 2005
19

RESOLUTION BY COMMISSIONER _____

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

~~the City Clerk be and she is hereby directed to publish the Zoning Map of the City of Pekin,~~
December 31, 2004, revision, hereunto attached as Exhibit A, in pamphlet form.

SIGNED BY _____

MAYOR.

CITY OF PEKIN

ZONING MAP OF THE CITY OF PEKIN

DECEMBER 31, 2004 REVISION

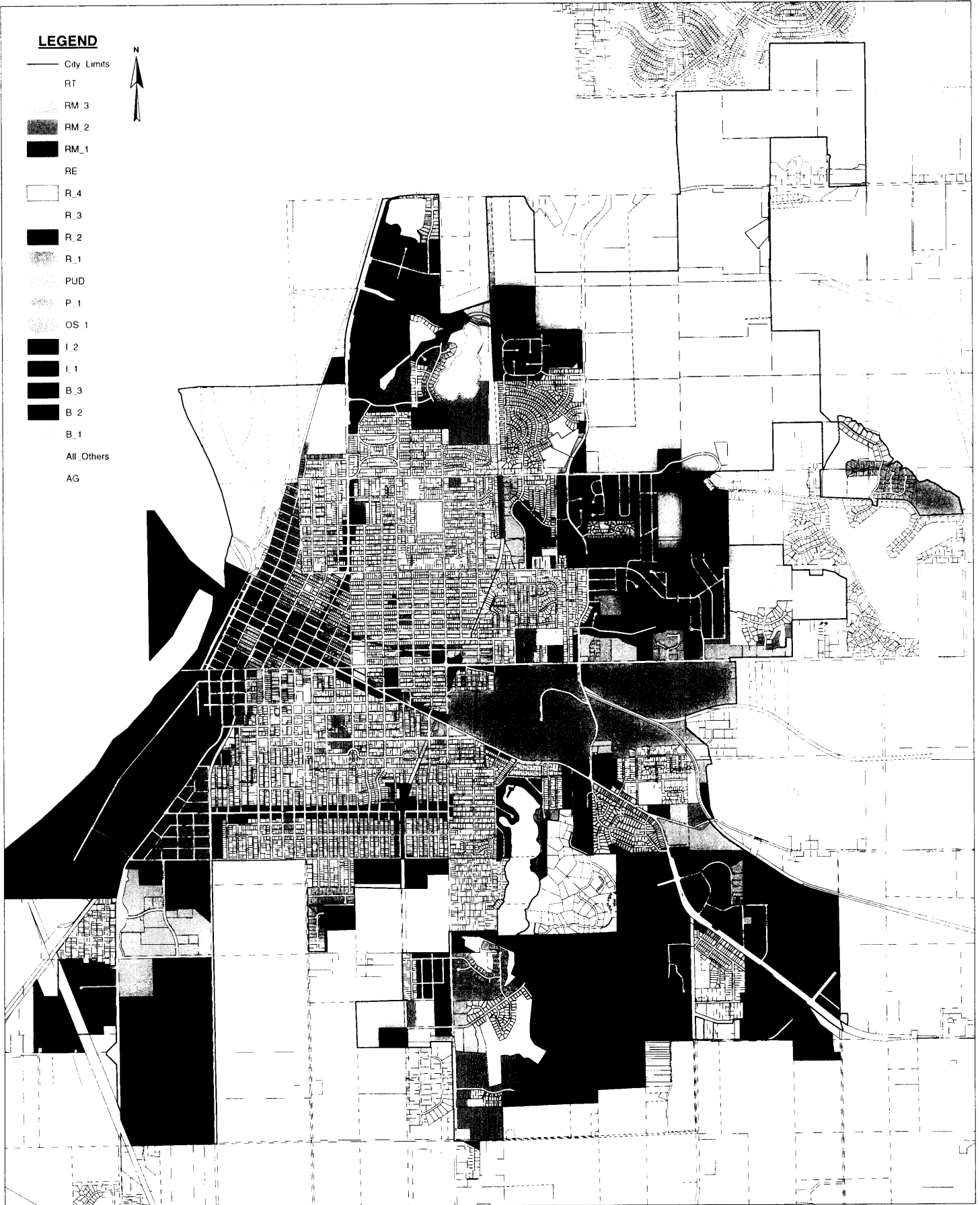
PUBLICATION AUTHORIZED BY RESOLUTION NO.
ADOPTED BY THE CITY COUNCIL
OF THE CITY OF PEKIN
THE 28TH DAY OF MARCH 2005

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY
COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS,
THIS 28TH DAY OF MARCH 2005

CITY ZONING

LEGEND

- City Limits
- RT
- RM 3
- RM 2
- RM 1
- RE
- R 4
- R 3
- R 2
- R 1
- PUD
- P 1
- OS 1
- I 2
- I 1
- B 3
- B 2
- B 1
- All Others
- AG



PUBLIC NOTICE

Public Notice is hereby given that on March 28, 2004 the City Council of the City of Pekin adopted Resolution No. _____ directing that the Zoning Map of the City of Pekin be published pursuant to 65 ILCS 5/11-13-19.

Said resolution has been published in Pamphlet form. The Zoning Map with all revisions as of December 31, 2004 is available for public inspection upon request in the Office of the City Clerk, 111 S. Capitol Street, Pekin, Illinois 61554.

Pekin Planning Commission Minutes
March 9, 2005

Present:

Sue Ramirez
Don Hild, Vice Chairman
Ralph Brower
Doug Payne
Bob Schroeder
Ron Knautz
Jim Bradshaw
Dick Jost

Absent:

Michele Holder

Staff Present: Attorney Bosich, Attorney Streater, Joe Wuellner, Chuck Lauss and Ron Sieh

Vice Chairman Don Hild led the Pledge of Allegiance.

The regular meeting of the Pekin Planning Commission was called to order and a quorum declared.

Vice Chairman Don Hild asked for approval of the agenda.

Don Hild requested the amendments 1-4 under General Business on the agenda be changed to Hearings 5, 6, 7, & 8. The second request was to change Hearing #8 to, Amend the Zoning Ordinance 9-10B which is Off-Street Parking and Loading in the City of Pekin by adding Paragraph 3, the authority to enforce the provisions of Off-Street Parking and Loading shall be the joint responsibility of the City of Pekin Inspections Department and the City of Pekin Police Department.

MOTION by Ralph Brower seconded by Ron Knautz to approve the amended agenda. On roll call vote, all present voted **AYE. MOTION APPROVED.**

Vice Chairman Don Hild asked for approval of the minutes.

MOTION by Bob Schroeder, seconded by Ron Knautz to approve the minutes for the February 9, 2005 meeting as received. On roll call vote, all present voted **AYE**.
MOTION APPROVED.

PPC Correspondence: No Correspondence

City Council Action Report: Pekin City Council approved the submitted recommendation for Hearing #1650 to Rezone lots 5, 6, 8 & 9 in Gingoteague, Section Four from B-3 (General Business District) to RM-3 (Multiple Family Residential District) for Laborer's Home Development Corporation. The Pekin City Council tabled the submitted recommendations of Hearings #1651 & 1652 for Special Use & Site Plan for a Used Car Lot at 1800 Court Street. Vice Chairman Don Hild asked for an explanation of this decision. Joe Wuellner responded that the Council had concerns over wanting a Car Lot on Court Street.

Applications and Hearings:

Application #1: Chuck Juska & Dick Betler, Tazewell
County School Employee Credit Union

Hearing #1: Special Use for a Drive up for property with Tax I.D. #11-11-07-102-016 located at 1470 Valle Vista Blvd for Banking Services.

Open Public Hearing: 6:36PM

Rodger Brandt was present to answer questions.

Close Public Hearing: 6:36PM

Ralph Brower, Chairman stated the subcommittee recommended approval.

MOTION by Ralph Brower, seconded by Don Hild to recommend approval of Special Use for a Drive up to the Pekin City Council. On roll call vote, All present voted **AYE**. **MOTION APPROVED.**

Don Hild, Chairman stated the subcommittee recommended approval.

MOTION by Don Hild, seconded by Jim Bradshaw to recommend approval of the Site Plan. On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

Vice Chairman Don Hild recommended the petitioner attend the City Council meeting on March 28, 2005 at 5:30PM in the Council Chambers, as the Planning Commission is only a recommending body.

Applications and Hearings:

Application #2: Dave Osborn, Proprietor

Hearing #2: Rezoning of property with Tax I.D. #04-10-35-342-001, 002 & 003 located at 801 Hamilton Street from R-4 (One Family Residential) to B-3 (General Business District).

Open Public Hearing: 6:39PM

Dave Osborn, petitioner was present to answer questions.

Close Public Hearing: 6:40PM

Dick Jost stated the committee has reservations of jumping from Residential to B-3. There needs to be a buffer of OS-1 for layering purposes.

Jim Bradshaw asked if there would be fabrication in the shop portion.

Dave Osborn responded that it is just for plenum boxes and customizing for installation purposes.

Bob Schroeder stated that if there is fabrication B-3 does not cover it. It needs to go to I-1 instead.

Ralph Brower asked why he came for B-3 instead of B-1.

Dave Osborn responded it was the Office recommendation.

Jim Bradshaw stated B-1 would cover the requirements.

Dave Osborn asked for an explanation of the difference between B-1 and B-3.

Ron Sieh responded that B-1 has more limitations, he was unaware of the fabrication, B-3 with Special Use is what is needed for this purpose.

Jim Bradshaw has reservations with B-3 due to what might happen 15yrs down the road.

Don Hild explained the Commission has a problem with the layering, suggested that the petitioner come back to the Commission at no cost next month, after working with Staff to Clarify the proper Layering and Zoning needed for the request of Rezoning.

Ralph Brower and Doug Payne both stated that in B-1 the restriction would not allow the petitioner to operate his business with the fabrication.

Dave Osborn, Petitioner stated he would not have a problem coming back with the Proper Zoning needed.

Doug Payne requested that it show in the minutes he recommends B-3 so the petitioner can fabricate, he feels that after the petitioner invests his money it would not be to his best interest if someone came along stating he could not fabricate after the zoning was changed. He also requested that it be shown that in B-1, fabricating cannot be done; B-3 is the best fit for this building.

Ron Sieh stated that it is his understanding that the fabrication stated is similar to what a siding contractor does.

Don Hild stated it is how it is interpreted. The fabrication is not a major part of his business.

MOTION by Ralph Brower, seconded by Dick Jost to recommend the request for rezoning and the Site Plan be tabled until clarification and proper layering is advertised for the April meeting at no charge to the petitioner . On roll call vote, all present voted **AYE**. **MOTION APPROVED**.

Vice Chairman Don Hild recommended the petitioner attend the City Council meeting on March 28, 2005 at 5:30PM in the Council Chambers, as the Planning Commission is only a recommending body.

Application #3: Michael E Thomas, Midwest-Mudd Inc.

Hearing #3: Special Use for a Roadside Stand in the Northwest Corner of the parking lot of County Market with the Property I.D. #04-10-01-400-001 located at 2111 Court Street.

Open Public Hearing: 6:55PM

There was no representation to answer questions.

Close Public Hearing: 6:56PM

Dick Jost, Chairman stated the subcommittee has concerns with traffic flow and turned it over to the Commission.

Sue Ramirez stated her concern with the congestion and safety of traffic in that area.

Bob Schroeder stated the request does not meet drive up requirements.

MOTION by Jim Bradshaw, seconded by Bob Schroeder to recommend denial of Special Use and Site Plan for a Roadside Stand because it does not meet Drive up requirements to the Pekin City Council. On roll call vote, All present voted **AYE. MOTION APPROVED.**

Hearing #4: Assign Zone for Tracts 1-7 in Hollis Township, Peoria County from County (AG) to City of Pekin I-1 (Light Industrial District) pending annexation.

Open Public Hearing: 7:03PM

Close Public Hearing: 7:04PM

Ralph Brower, Chairman stated the subcommittee would like to know the intention of rezoning pending annexation.

Joe Wuellner, stated the issue is that the city is looking to expand and create more area for industrial type growth/they see that piece of land with things that are coming with the port authority and other issues like that as being a place to build something similar to what is out at the Riverway Business Park. They also see other opportunities for recreational activities. Those types of activities are in an I-1 zone if and when this property is annexed.

Bill Streator stated if this is annexed they are going to create a TIF district to encourage growth. Being a TIF district would allow for funds to be used for development in the flood plain.

Don Hild asked if TIF would cover all of the tracts or just certain sections.

Bill Streator stated all tracts would be in the TIF district. The current landowners are in agreement with the rezoning if annexed.

MOTION by Dick Jost, seconded by Jim Bradshaw to recommend approval of Rezoning pending Annexation to the Pekin City Council. On roll call vote, All present voted **AYE**. **MOTION APPROVED.**

Hearing #5: Amend the Zoning Ordinance 9-10-4-C, Uses not Included in a Specific District, of the City of Pekin, to include Water theme parks, Equestrian parks, Marine parks and Amusement parks.

Open Public Hearing: 7:13PM

Close Public Hearing: 7:14PM

Don Hild opened the discussion to the Commission.

Joe Wuellner stated this is a section that has uses not included. Based on the part of expansion and growth this will cover anything in this group and will have to come to the Commission for a special use. This is related

to the I-1 zone.

MOTION by Ron Knautz, seconded by Dick Jost to recommend approval of amending Zoning Ordinance 9-10-4-C to the Pekin City Council. On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

Hearing #6: Amend the I-1 (Light Industrial District) Zoning Ordinance 9-7A-3, Special Uses, City of Pekin, to include all Special Uses as permitted Under the Agricultural District (AG).

Open Public Hearing: 7:17PM

Close Public Hearing: 7:17PM

Don Hild stated this is to allow farming to continue on this land after Zoning of I-1.

Ralph Brower asked about livestock on this property.

Ron Sieh stated that if it is over five acres. Stables are allowed with a limited amount of horses depending on the amount of land you have.

MOTION by Ron Knautz, seconded by Jim Bradshaw to recommend approval of amending Zoning Ordinance 9-7A-3 as specified to the Pekin City Council. On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

Hearing #7: Amend the I-1 (Light Industrial District) Zoning Ordinance 9-7A-2, City of Pekin, to include all Principle Uses as permitted Under the Agricultural District (AG). Screening requirements for abutting Residential, Office and Business Zones shall not apply.

Open Public Hearing: 7:20PM

Close Public Hearing: 7:20PM

Jim Bradshaw asked the reason for dropping the screening requirements.

Joe Wuellner stated the issue is that if an I-1 Abuts a Business, Residential or Office it requires screening. If this is required of AG there are areas in the city that will no longer be in compliance. Example: Marigold Estates, Deerfield, Sunset Hills, they all abut AG Districts. This amendment only applies to the I-1/AG Districts when I-1 is used as Agricultural purposes. Also screening does not apply for Special Uses.

MOTION by Ralph Brower, seconded by Ron Knautz to recommend approval of amending Zoning Ordinance 9-7A-2 of the Code of the City of Pekin to add as a principle use in an I-1 (Light Industrial District) the following, all principle uses as permitted under the Agricultural District screening requirements for Abutting Residential, Office and Business Zones shall not apply to such uses to the Pekin City Council. On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

Hearing #8: Amend the Zoning Ordinance 9-10B, which is Off-Street Parking and Loading in the City of Pekin by adding Paragraph 3, the authority to enforce the provisions of Off-Street Parking and Loading shall be the joint responsibility of the City of Pekin Inspections Department and the City of Pekin Police Department.

Open Public Hearing: 7:35PM

Close Public Hearing: 7:35PM

Jim Bradshaw asked for a definition of Off-Street Parking. Ron Sieh responded that it is parking in the front yard and right of way.

Ralph Brower asked for a definition of front yard parking. Ron Sieh stated that parking has to be on a designated paved surface.

Joe Wuellner informed the Commission that the police do not have authority to issue tickets, only the authority to issue red tag zoning violations.

Ralph Brower asked what the fine is for parking and who sets the fine as he had concerns with the cost of the fine and the cost to a citizen to appeal the decision.

Joe Wuellner responded that the fine starts at \$75 and can go up to \$100; the courts determine the amount. He also stated the City is in the process of negotiating for an administrative adjudicator to curtail cost to the City and the Citizens.

Ralph Brower felt that front yard parking couldn't be defined due to the many driveways that are not hard surfaced as required by code.

Joe Wuellner stated that gravel driveways are grandfathered in. New driveways have to comply with the current code. He also added that the purpose of this amendment is give the Inspection Department the assistance of the Police Department in issuing violations after hours.

MOTION by Ron Knautz, seconded by Bob Schroeder to recommend approval of amending Zoning Ordinance 9-7A by adding Paragraph 3 to the Pekin City Council. On roll call vote, Seven present voted **AYE**. One present voted **Naye**. **MOTION APPROVED**.

Commission went into an Informal Business Meeting:

Ron stated that the second hand store owner on 2nd street would like to move his business further South on 2nd street where it is zoned I-2. His business is required to have a B-3, it is a far fetch to have him in an I-2. This is because it needs to serve the Industry. I-2 does not include a second hand store. He would like to change his business in the park area into a Cafe, Soda Shop or Ice Cream Store to serve patrons visiting the New Park area. Don Hild suggested that the tenant be informed that he will be taking a risk, as the zoning will stay I-2 in the area where he wants to move his business.

Jim Bradshaw requested that the Commission complete the plans to solve the issue of Cul-De-Sac's before a problem erupts. Discussion will take place at the 5:30pm subcommittee meetings before next months regular meeting.

Joe Wuellner wanted the Commission to be aware that due to

the change in zoning on the property on 5th street, we are starting to have a flow of requests. The commission needs to remember layering. The best that can be done is OS-1. The second lot can go to Os-1 only if the third lot goes OS-1. Lot one needs to remain B-3 to complete the layering.

MOTION by Ron Knautz, seconded by Bob Schroeder to adjourn the meeting.

Meeting adjourned at 8:17pm.

Juanita VanBuskirk, Secretary
Pekin Planning Commission

**Pekin Planning Commission
March 9, 2005**

HEARING #1653

The Pekin Planning Commission recommends the approval of the Special Use for a Drive up for property with Tax I.D. #11-11-07-102-016 located at 1470 Valle Vista Blvd for Banking Services to the Pekin City Council.

Michelle Holder, Chairman

Don Hild, Vice-Chairman

Pekin Planning Commission
March 9, 2005

HEARING #1654

The Pekin Planning Commission recommends the approval of the Site Plan for property with Tax I.D. #11-11-07-102-016 located at 1470 Valle Vista Blvd for Banking Services to the Pekin City Council.

Michelle Holder, Chairman

Don Hild, Vice-Chairman

Pekin Planning Commission
March 9, 2005

HEARING #1657

The Pekin Planning Commission recommends to deny Special Use for a Roadside Stand in the Northwest Corner of the parking lot of County Market with Tax I.D. #04-10-01-400-001 located at 2111 Court Street because it does not meet the requirements of a drive thru to the Pekin City Council.

Michelle Holder, Chairman

Don Hild, Vice-Chairman

Pekin Planning Commission
March 9, 2005

HEARING #1658

The Pekin Planning Commission recommends to deny the Site Plan for a Roadside Stand in the Northwest Corner of the parking lot of County Market with Tax I.D. #04-10-01-400-001 located at 2111 Court Street because it does not meet the requirements of a drive thru to the Pekin City Council.

Michelle Holder, Chairman

Don Hild, Vice-Chairman

Pekin Planning Commission
March 9, 2005

HEARING #1659

The Pekin Planning Commission recommends the approval to assign Zone for Tracts 1-7 in Hollis Township, Peoria County from County (AG) to City of Pekin I-1 (Light Industrial District) pending annexation to the Pekin City Council.

Michelle Holder, Chairman

Don Hild, Vice-Chairman

Pekin Planning Commission
March 9, 2005

HEARING #1660

The Pekin Planning Commission recommends the approval to amend the Zoning Ordinance 9-10-4-C, Uses not Included in a Specific District, of the City of Pekin, to include Water Theme parks, Equestrian parks, Marine parks and Amusement parks to the Pekin City Council.

Michelle Holder, Chairman

Don Hild, Vice-Chairman

Pekin Planning Commission
March 9, 2005

HEARING #1661

The Pekin Planning Commission recommends the approval to amend the I-1 (Light Industrial District) Zoning Ordinance 9-7A-3, Special Uses, City of Pekin, to include all special uses as permitted Under the Agricultural District (AG) to the Pekin City Council.

Michelle Holder, Chairman

Don Hild, Vice-Chairman

Pekin Planning Commission
March 9, 2005

HEARING #1662

The Pekin Planning Commission recommends the approval to amend the I-1 (Light Industrial District) Zoning Ordinance 9-7A-2 of the Code of the City of Pekin to add as a principle use in an I-1 (Light Industrial District) the following, all principle uses as permitted under the Agricultural District screening requirements for Abutting Residential, Office and Business Zones shall not apply to such uses to the Pekin City Council.

Michelle Holder, Chairman

Don Hild, Vice-Chairman

Pekin Planning Commission
March 9, 2005

HEARING #1663

The Pekin Planning Commission recommends the approval to amend Zoning Ordinance 9-10B which is off street parking and loading in the City of Pekin by adding Paragraph 3, The Authority to enforce the provisions of Off-Street Parking and Loading shall be the joint responsibility of the City of Pekin Inspections Department and the City of Pekin Police Department to the Pekin City Council.

Michelle Holder, Chairman

Don Hild, Vice-Chairman

VII.

CERTIFICATE OF PUBLICATION

THE PEKIN DAILY TIMES

Gregg Ratliff, Publisher

Pekin, Illinois, March 16, 20 05

I hereby certify that I am the publisher of THE PEKIN DAILY TIMES and that the annexed notice was published 1 times in the Pekin Daily Times, a secular public newspaper of general circulation, printed and published daily, except Sunday, and legal holidays, for at least 1 year prior to the 10th day of March 20 05 in the City of Pekin, Tazewell County, State of Illinois: that publication of said notice was made in said newspaper as follows:

the first on the 10th day of March 20 05 ;
the second on the day of 20 ;
the third on the day of 20 ;
the fourth on the day of 20 ;

I further certify that the face of the type in which each publication of the said notice was made was the same as the body type used in the classified advertising in the issue of the said newspaper in which such publication was made.

I further certify that said newspaper is a newspaper as defined in 'An Act' to revise the law in relation to notices' as amended by Act approved July 17, 1959.-Ill. Revised Statutes, Chap. 100, Para. 1-10.

Gregg Ratliff
Publisher of

THE PEKIN DAILY TIMES

Publication Fee, \$ 81.00
Posters, Slips \$ 5.00
Total \$ 86.00

By Aail Higdon

Annexation Hearing

LEGAL NOTICE

NOTICE OF PUBLIC HEARING ON ANNEXATION AGREEMENT CITY OF PEKIN CITY COUNCIL PEKIN, ILLINOIS

On March 28, 2005, at 8:30 p.m., a public hearing will be held by the Mayor and City Council of the City of Pekin, Illinois, in the Pekin City Hall, 111 S. Capitol Street, Pekin, Illinois, for the purpose of considering and hearing testimony as to an ordinance authorizing the execution of an annexation agreement in regard to the annexation to the City of Pekin, Illinois, of a tract of property comprising approximately 28.25 acres of land and legally described as follows:

Fifteen and one-half acres off the North end of the West Half of the Northeast Quarter of Section 23, one acre in the Southwest corner of the East Half of the Southeast Quarter of Section 14, and 11.75 acres in the Northwest corner of the East Half of the Northeast Quarter of Section 23, all in Township 7 North, Range 7 East of the Fourth Principal Meridian, being the same premises more particularly described in a Warranty Deed recorded in Volume "RH" of the deeds at page 15 in the Recorder's Office of Peoria County, Illinois described as follows: Commencing at a point on the Southwestern line of the Peoria and Pekin Road (SBI Route 9) 48 1/2 rods Northwesternly of the intersection of the Southwestern line of said Road and the East line of the said Quarter Section; thence Northwesternly along the Southwestern line of said road 55 rods to a point which is 10 rods North of the Southwest corner of the East Half of the Southeast Quarter of Section 14; thence South on the Half Section line of the Section 14 and Northwest Quarter of Section 23 a distance of 87 rods; thence Northeasterly 66 rods to the Point of Beginning, situated in the County of Peoria and State of Illinois.

It is proposed that the subject property be zoned an I-1 district in accordance with the annexation agreement. A map of the subject property proposed to be annexed to the City and the form of the proposed annexation agreement are on file with the City Clerk, City of Pekin.

You are further notified that the proposed annexation agreement may be changed, altered, modified, amended or redrafted in its entirety 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:

Dated: March 11, 2005.

CITY OF PEKIN

By: SUE M. MILLER, City Clerk

158810

3/10

LEGAL NOTICE

NOTICE OF PUBLIC HEARING ON ANNEXATION AGREEMENT CITY OF PEKIN CITY COUNCIL PEKIN, ILLINOIS

On March 28, 2005, at 5:30 p.m., a public hearing will be held by the Mayor and City Council of the City of Pekin, Illinois, in the Pekin City Hall, 111 S. Capitol Street, Pekin, Illinois, for the purpose of considering and hearing testimony as to an ordinance authorizing the execution of an annexation agreement in regard to the annexation to the City of Pekin, Illinois, of a tract of property comprising approximately 228.88 acres of land legally described as follows:

TRACT 1: The Northwest Quarter of Section 23, in Township 7 North, Range 7 East of the Fourth Principal Meridian, EXCEPTING HOWEVER, the West 200 feet or even width thereof, conveyed to St. Louis, Peoria and Northwestern Railway Company by Warranty Deed, dated August 19, 1911, and recorded in Volume 285, Page 601, situated in Peoria County, Illinois.

TRACT 2: A part of the West Half of the Northeast Quarter of Section 23, in Township 7 North, Range 7 East of the Fourth Principal Meridian, described as follows: Commencing at a point 42.5 rods North of the Southwest corner of said Northeast Quarter, on the section line, thence East at right angles from said section line 79 rods; thence North, parallel with said section line, 42 1/2 rods; thence West, at right angles with said section line, 79 rods; thence South on said section line 42 1/2 rods, to the place of beginning, situated in Peoria County, Illinois.

TRACT 3: Lot 2, being part of the West Half of the Northeast Quarter of Section 23, Township 7 North, Range 7 East of the Fourth Principal Meridian, more particularly bounded and described as follows: to wit: Commencing at a point on the West line of said quarter section, 85.4 rods North of the Southwest corner of said quarter section, thence running North along the West line of said quarter section, 42.5 rods; thence East 79 rods; thence South 42.5 rods; thence West to the place of beginning, situated in Peoria County, Illinois.

TRACT 4: The West 365.78 feet of the Southeast 1/4 of the Southwest 1/4 of Section 14, Township 7 North, Range 7 East of the Fourth Principal Meridian, situated, lying and being in the County of Peoria and State of Illinois.

TRACT 5: All of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 7 North, Range 7 East of the Fourth Principal Meridian, excepting however, all that part of said premises heretofore conveyed to the St. Louis, Peoria and Northwestern (now Chicago and Northwestern) Railway Company, a corporation by A.P. Turner and wife by Warranty deed, dated August 25, 1911, and recorded in book 285 of Deeds on Pg. 683, situated, lying and being in the County of Peoria and State of Illinois. It is proposed that the subject property be zoned an L-1 district in accordance with the annexation agreement. A map of the subject property proposed to be annexed to the City and the form of the proposed annexation agreement are on file with the City Clerk.

You are further notified that the proposed annexation agreement may be changed, altered, modified, amended, or redrafted in its entirety 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.

Dated: March 14, 2005

CITY OF PEKIN

By: SUE McMILLAN, City Clerk

158813

3/10

CERTIFICATE OF PUBLICATION

THE PEKIN DAILY TIMES

Gregg Ratliff, Publisher

Pekin, Illinois, March 10, 20 05

I hereby certify that I am the publisher of THE PEKIN DAILY TIMES and that the annexed notice was published 1 times in the Pekin Daily Times, a secular public newspaper of general circulation, printed and published daily, except Sunday, and legal holidays, for at least 1 year prior to the 10th day of March 2005 in the City of Pekin, Tazewell County, State of Illinois: that publication of said notice was made in said newspaper as follows:

the first on the 10th day of March 20 05;
the second on the _____ day of _____ 20 _____;
the third on the _____ day of _____ 20 _____;
the fourth on the _____ day of _____ 20 _____;

I further certify that the face of the type in which each publication of the said notice was made was the same as the body type used in the classified advertising in the issue of the said newspaper in which such publication was made.

I further certify that said newspaper is a newspaper as defined in 'An Act' to revise the law in relation to notices' as amended by Act approved July 17, 1959.-Ill. Revised Statutes, Chap. 100, Para. 1-10.

Gregg Ratliff
Publisher of

THE PEKIN DAILY TIMES

Publication Fee, \$ 110.70
Posters, Slips \$ 5.00
Total \$ 115.70

By Sail Hudson

Annexation Hearing

RESOLUTION NO. 96-04/05

RESOLUTION evidencing the intention of the City of Pekin, Peoria and Tazewell Counties, Illinois, to issue Single Family Mortgage Revenue Bonds and related matters.

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

WHEREAS, the availability of decent, safe and sanitary housing that most people can afford is essential to retain and increase industrial and commercial activities and relieve conditions of unemployment in the City of Pekin, Illinois; and

WHEREAS, the shortage of decent, safe and sanitary housing that most people can afford is not transitory and self-curing; the cost of financing such housing is a major and substantial factor affecting the supply and cost of decent, safe and sanitary housing built by private enterprise; and the revenue bonds provided for in this resolution will substantially lower the cost of such financing; and

WHEREAS, pursuant to the Constitution and the laws of the State of Illinois, and particularly Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois, the Issuer has the power to issue its revenue bonds to aid in financing the cost of mortgage loans for one to four family residences in the City of Pekin, Illinois; and

WHEREAS, it is now considered to be necessary and desirable and in the public interest of the residents of the City of Pekin, Illinois, for the Issuer to issue its revenue bonds in an amount not to exceed \$300,000,000, for the purpose of financing mortgage loans to low and moderate income persons for one to four family residences in the City of Pekin, Illinois; and

WHEREAS, pursuant to the Constitution and the laws of the State of Illinois, and particularly Section 10 of Article VII of the 1970 Constitution of the State of Illinois and 5 *Illinois Compiled Statutes 2000, 220/1 et seq.*, as supplemented and amended (the "Intergovernmental Cooperation Act"), home rule units of government may exercise jointly any power which they could individually exercise;

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

SECTION 1. That, in order to provide decent, safe and sanitary housing that persons of low and moderate income in the City of Pekin, Illinois, can afford, with the resulting public benefits expected to flow therefrom, it is deemed necessary and desirable for the Issuer to issue its revenue bonds in an aggregate principal amount not to exceed \$300,000,000 (the "Bonds"), for the purpose of financing mortgage loans to persons of low and moderate income for one to four family residences located in the City of Pekin, Illinois.

SECTION 2. That the Issuer will issue the Bonds in an aggregate principal amount not to exceed \$300,000,000 for the aforesaid purposes; that such Bonds shall not constitute an indebtedness, liability, general or moral obligation or a loan of credit of the Issuer, within the meaning of any constitutional or statutory provisions, but will be payable solely from the repayment of the mortgage loans; that neither the faith and credit nor the taxing power of the Issuer will be pledged to the payment of the principal of or interest on the Bonds; and that the Issuer will not have the right or authority to levy taxes to pay the principal of or interest on the Bonds.

SECTION 3. That, pursuant to the Intergovernmental Cooperation Act, the Issuer may choose to issue the Bonds jointly with or on behalf of one or more municipalities if the Issuer so determines, or to have the Bonds issued by another municipality on behalf of the Issuer if the Issuer so determines, such determinations to be made in the best judgment of the Mayor of the Issuer that such a cooperative effort is in the best interests of the Issuer.

SECTION 4. That the Issuer hereby reserves all of its remaining volume cap for calendar year 2005 for the issuance of the Bonds, which volume cap will be allocated to the issuance of the Bonds upon the adoption of an ordinance authorizing the issuance of the Bonds or authorizing the execution and delivery of an intergovernmental cooperation agreement.

SECTION 5. That the Mayor and the City Clerk of the Issuer are hereby authorized to carry forward any unused volume cap from calendar year 2004 for the issuance of the Bonds and to execute all necessary filings with the Internal Revenue Service to accomplish that purpose.

SECTION 6. That the Issuer hereby agrees to work with Stern Brothers & Co. to underwrite the Bonds and with Chapman and Cutler, as Bond Counsel, in connection with the issuance of the Bonds during calendar year 2005.

SECTION 7. That the Mayor, the City Clerk and all other proper officers, officials, agents and employees of the Issuer 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 resolution, including without limitation to obtain an allocation of unified volume cap.

SECTION 8. That the provisions of this resolution are hereby declared to be separable, and if any section, phrase or provision of this resolution shall for any reason be declared to be invalid, such declaration shall not affect the remainder of the sections, phrases and provisions of this resolution.

REPORT OF ALLOCATION GRANTED
BY HOME-RULE UNITS

May 31, 2005

Office of the Governor
Bureau of the Budget
603 Stratton Building
Springfield, Illinois 62706

ATTENTION: Mr. Aaron Cook

Re: City of Pekin
Total 2005 Volume Cap Allocation: \$2,655,200.00

Volume Cap allocations, granted, transferred, or reserved by Issuer resolution prior to May 1, 2003:

1. Principal Amount of Issue: \$2,655,200.00
Bond Description: Revenue Bonds

If reallocated to another issuer, state name of issuer: n/a

Copies of allocation resolution or ordinances are attached.

Total allocation Granted or Reallocated: \$2,655.200.00

Sincerely,

CITY OF PEKIN

Pamela Anderson
Community Development Coordinator
Telephone No. (309) 478-5356

SECTION 9. That all ordinances, resolutions or orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded; and that this resolution shall be in full force and effect upon its adoption and approval.

Presented, passed, approved and recorded this ____ day of _____, 2005.

Mayor

[SEAL]

ATTEST:

City Clerk

Ayes:

Nays:

Absent or Not Voting:

ORDINANCE NO. 2417

**ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION
AGREEMENT REGARDING CERTAIN TERRITORY
IN HOLLIS TOWNSHIP (DEPERT)**

WHEREAS, it is in the best interests of the City of Pekin, Illinois that a certain Annexation Agreement (the "Annexation Agreement") regarding the annexation of certain territory in Hollis Township, Peoria County, be entered into (the Annexation Agreement is attached hereto as Exhibit A and incorporated herein by this reference); and

WHEREAS, Terry D. Deppert, Keith O. Deppert and Patricia A. Deppert are the legal owners of record of the territory that is the subject of the Annexation Agreement are ready, willing, and able to enter into the Annexation Agreement and to perform the obligations as required hereunder; and

WHEREAS, pursuant to notice published in the Pekin Daily Times on March 10, 2005, the City Council, on March 28, 2005, conducted a public hearing for the purpose of considering the Annexation Agreement; and

WHEREAS, the statutory procedures provided in Section 11-15.1-1 of the Illinois Municipal Code for the execution of the Annexation Agreement have been fully complied with.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS AS FOLLOWS:**

SECTION 1: That the Annexation Agreement attached hereto as Exhibit A and incorporated herein by this reference is hereby approved.

SECTION 2: That the Mayor and City Clerk are hereby authorized and directed to execute, deliver and perform the Annexation Agreement, and such further

documents as may be necessary to consummate the transaction
contemplated therein.

SECTION 3: That this Ordinance shall be in full force and effect from and after its
passage, approval, and publication as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of
Pekin, this 28th day of March, 2005; and upon roll call the vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this _____ day of _____, 2005.

MAYOR

ATTEST:

CITY CLERK

Prepared By:

Patrick E. Oberle
Elliff, Keyser Oberle
& Dancey, P.C.
109 S. Fourth Street
PO Box 873
Pekin, Illinois 61555-0873

After recording return to:

Patrick E. Oberle
Elliff, Keyser Oberle
& Dancey, P.C.
109 S. Fourth Street
PO Box 873
Pekin, Illinois 61555-0873

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is effective as of _____, 2005, by and between the City of Pekin, Illinois, an Illinois municipal corporation, (the "City"); and TERRY D. DEPPERT, KEITH O. DEPPERT and PATRICIA A. DEPPERT ("Owner").

RECITALS

WHEREAS, pursuant to Section 11-15.1-1 of the Illinois Municipal Code (65 ILCS 5/11-15.1-1), the City has the power to enter into annexation agreements; and

WHEREAS, Owner is the owner of the real estate, consisting of approximately 228.88 acres, set forth on Exhibit A attached hereto and incorporated herein (the "Property"); and

WHEREAS, Owner and the City wish to provide for the annexation of the Property to the City and appropriate zoning for the development and operation of the Property pursuant to this Agreement; and

WHEREAS, the Property is located in unincorporated Peoria County, Illinois, and is contiguous and adjacent to the City; and

WHEREAS, no electors reside on the Property; and

WHEREAS, a public hearing was held prior to the City's approval and execution of this Agreement, as required by law; and

WHEREAS, the City Council of the City, after due and careful consideration, has concluded that the annexation of the Property would further the growth of the City, enable the City to control the development of the area, increase the taxable value of the property within the City, extend the corporate limits and jurisdiction of the City, permit the sound planning and development of the City and serve the best interests of the City and its residents; and

WHEREAS, pursuant to the provisions of Section 11-15.1-1 et seq. of the Illinois Municipal Code (65 ILCS 5/11-15.1.1 et seq.), this Agreement will, prior to execution by the City, be submitted to the City Council of the City and a public hearing will be held thereon pursuant to notice, as provided by statute.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement, the parties agree as follows:

1. PETITION FOR ANNEXATION

The Owner has previously executed and filed with the City a Petition for Annexation of the Property.

2. ANNEXATION

The City agrees to adopt an ordinance annexing the Property to the City without further public hearing, subject to the terms and conditions set forth in the Annexation Agreement. The ordinance for the annexation of the Property shall be subject to and incorporate by reference the provisions of this Annexation Agreement, including, without limitation, the provisions of Paragraph 4 of this Agreement regarding the obligation of the City to establish a Tax Increment Financing district that includes the Property.

3. ZONING

Provided that the Property is annexed to the City pursuant to the provisions of this Agreement, the City agrees to rezone the Property as I-1 (Light Industrial District). The City shall so rezone the Property by ordinance of the City Council immediately upon annexation of the Property. Any rezoning of the Property shall permit the Owner to use the Property for agricultural purposes.

4. TIF DISTRICT

Owner shall cooperate with the City to establish a Tax Increment Financing (TIF) district that includes the Property. In the event that

- (A) the City establishes such a TIF district and such TIF district terminates prior to the Property being sold or developed for purposes related to the TIF district; or

- (B) the City establishes a TIF district which is later declared invalid by a court of law; or
- (C) the City fails to establish a TIF district within 60 days of the date of this Agreement,

then the City, with the Owner's consent, shall detach the Property from the City (or in the event that a portion of the Property has not been sold or developed, then such unsold or undeveloped portion shall be detached from the City), and the Owner shall have no further obligations under this agreement.

5. REBATE OF TAXES; NO FEES OR ASSESSMENTS

A. From the date the annexation becomes effective and until the first to occur of (i) the termination of this Agreement, (ii) the termination of the TIF district, including any extension thereof, if applicable, or (iii) the Owner sells or develops the Property, the City shall rebate to the Owner that portion of any and all taxes paid by the Owner, with respect to the Property, allocated to the City and any political subdivision thereof, including, without limitation, the Pekin Library District. The City shall make such rebate payment within 30 days of receipt from Owner sufficient written evidence of payment of such taxes. In the event that a portion of the Property is developed or sold, then this rebate of taxes shall continue for the remainder of the Property that is not developed or sold.

B. The Owners shall not be charged user fees for services currently being charged by the City, or which are imposed by the City in the future, unless and until (i) such services are actually being used at the Property or (ii) the Property is developed. If a portion of the Property is developed, this provision shall continue to apply to the remainder of the Property that is not developed, provided that the services are not actually being used at the undeveloped portion of the Property.

C. Until the Property is developed, the City shall not assess the Property with any special assessments. If a portion of the Property is developed, this provision shall continue to apply for the remainder of the Property that is not developed.

D. The provisions of this Section 5 shall apply to any purchaser or transferee of the Property, or any portion thereof, so long as such transferee continues to use the Property (or the portion so transferred) for agricultural purposes.

E. For the purposes of this Section 5, a transfer to a corporation or limited liability company established by the Owners, in which the Owners are principals, shall not be deemed a sale or transfer.

6. NOTICES

Any written notice or demand hereunder from any party to another party shall be in writing and shall be served by (a) personal delivery, (b) telefax with confirmation by first-class mail or (c) certified mail, return receipt requested at the following addresses:

to the City at:

City of Pekin
111 S. Capitol Street
Pekin, IL 61554
Attn: City Clerk
Facsimile: (309) 346-2095

with a copy to:

Patrick E. Oberle, Esq.
Elliff, Keyser, Oberle, & Dancey, P.C.
109 South Fourth Street
P. O. Box 873
Pekin, IL 61555-0873
Facsimile: (309) 346-0633

to the Owner at:

Terry D. Deppert
728 E. Kay Street
Morton, IL 61550

Keith O. Deppert
Patricia A. Deppert
6913 New Hampshire Trail
Crystal Lake, IL 60012

with a copy to:

James F. Kane
411 Hamilton Blvd.
Suite 1711
Peoria, IL 61602
Facsimile: (309) 674-9722

or to the last known address of any party or to the address provided by an assignee if such address is given in writing. Any party may change its address by providing notice in accordance with this provision. In the event said notice is mailed, the date of service shall be deemed to be two (2) business days after the date of delivery of said notice to the United States Post Office.

7. ORDINANCES

The City agrees to enact all ordinances and resolutions that are necessary to effectuate the terms of this Agreement.

8. BINDING EFFECT

This Agreement shall be binding upon the parties hereto and their respective heirs, executors, personal representatives, corporate authorities, administrators, successors and assigns.

9. TIME

Time shall be of the essence of this Agreement.

10. RECORDING

A copy of this Agreement shall be recorded in the Office of the Tazewell County Recorder of Deeds by the City within thirty (30) days of the execution of this Agreement.

11. AMENDMENT

This Agreement sets forth all the promises, inducements, agreements, conditions and understandings between the parties hereto relative to the subject matter thereof, and there are no promises, agreements, conditions or understandings, either oral or written, expressed or implied, between them, other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless authorized in accordance with law and reduced in writing and signed by them.

12. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof; provided, however, that in the event that the provisions of Paragraph 5 regarding rebate of taxes is held to be invalid, and the City does not otherwise reimburse the Owner for such taxes paid, or in the event that any other provision of Paragraph 5 is held to be invalid, then the Owner shall be permitted to cancel this Agreement and detach from the City.

13. WAIVER

Neither party shall be excused from complying with any of the terms and conditions of this Agreement by any failure of the other party upon one or more occasion to insist upon or seek compliance with any such terms or conditions.

14. CONTINUITY OF OBLIGATIONS; EXCULPATION OF OWNER

Notwithstanding any provision of this Agreement to the contrary, Owner or its successor and assigns shall at all times during the term of this Agreement remain liable to the City for the faithful performance of all obligations imposed upon Owner or its successor and assigns by this Agreement until such obligations have been fully performed or until City, at its sole option, has otherwise released Owner or its successor and assigns from any or all of such obligations.

15. REMEDIES

Upon a breach of this Agreement, any party, in any court of competent jurisdiction, may seek any and all remedies available under Illinois law. Notwithstanding the foregoing, before the failure of any party to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement, the party claiming such failure shall notify, in writing, the party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced to the satisfaction of the complaining party within thirty (30) days of receipt of such notice.

16. FORCE MAJEURE

If performance of any covenant to be performed hereunder by any Party is delayed as a result of circumstances which are beyond the reasonable control of such party, which circumstances may include acts of God, war, acts of civil disobedience, strikes or similar acts, the time for such performance shall be extended by the amount of time of such delay.

17. GOVERNING LAW

This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of Illinois.

18. GENERAL PROVISIONS

(a) The provisions of this Annexation Agreement shall control over the provisions of any City ordinances, codes or regulations which are in conflict herewith.

(b) This Agreement may be executed in counterparts, each of which shall be deemed an original, all of which shall constitute one document.

(c) Non-agricultural development of the Property will require connection to public water and public sewer, adherence to the City erosion control regulations, and other regulations affecting property within the City, i.e. building codes and subdivision requirements.

(d) This Annexation Agreement and the rights of the parties hereto shall be interpreted, construed and enforced in accordance with the laws of the State of Illinois. Any litigation concerning this Annexation Agreement shall be commenced in Peoria County, Illinois.

(e) In the event that either party or their successor should find it necessary to retain an attorney for the enforcement of any provisions hereunder occasioned by the default of the other party, the party not in default shall be entitled to recover reasonable attorneys' fees and court costs incurred whether the attorneys' fees are incurred for the purpose of negotiations, trial, appellate or other services.

(f) This Annexation Agreement may be enforced as provided by law and the parties may by civil action, mandamus, injunction or other proceedings, enforce and compel performance of this Annexation Agreement.

(g) The parties shall execute and deliver such additional documentation as may be necessary to implement this Annexation Agreement.

(h) This Annexation Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, grantees and assigns.

[Signature Pages to Follow]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the first date set forth above.

CITY OF PEKIN, ILLINOIS,

By: _____
Lyn Howard, Mayor

Attest:

By: _____
Sue McMillan, City Clerk

STATE OF ILLINOIS)
) SS.
COUNTY OF TAZEWELL)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Lyn Howard, personally known to me to be the Mayor of the City of Pekin, and Sue McMillan, personally known to me to be the City Clerk of the City of Pekin, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk, they signed and delivered the said instrument as Mayor and as City Clerk of said Municipal Corporation, and caused the seal of said Municipal Corporation to be affixed thereto, pursuant to authority given by the corporate authorities of the City of Pekin for the uses and purposes therein set forth.

Given under my hand and Notarial seal, this ____ day of _____, 2005.

Notary Public

OWNER

TERRY D. DEPPERT - Owner

KEITH O. DEPPERT - Owner

PATRICIA A. DEPPERT - Owner

STATE OF ILLINOIS)
) S.S.
COUNTY OF _____)

I, the undersigned, a Notary Public in and for said County and State aforesaid, Do Hereby Certify that KEITH O. DEPPERT and PATRICIA A. DEPPERT, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes set forth above.

GIVEN under my hand and notarial seal, this _____ day of _____,
2005.

Notary Public

STATE OF ILLINOIS)
) S.S.
COUNTY OF _____)

I, the undersigned, a Notary Public in and for said County and State aforesaid, Do Hereby Certify that TERRY D. DEPPERT personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes set forth above.

2005. GIVEN under my hand and notarial seal, this _____ day of _____,

Notary Public

EXHIBIT A

TRACT 1:

The Northwest Quarter of Section 23, in Township 7 North, Range 7 East of the Fourth Principal Meridian, EXCEPTING HOWEVER, the West 200 feet of even width thereof, conveyed to St. Louis, Peoria and Northwestern Railway Company by Warranty Deed, dated August 19, 1911, and recorded in Volume 285, Page 601, situated in Peoria County, Illinois.

TRACT 2:

A part of the West Half of the Northeast quarter of Section 23, in Township 7 North, Range 7 East of the Fourth Principal Meridian, described as follows: Commencing at a point 42.6 rods North of the Southwest corner of said Northeast Quarter, on the section line; thence East at right angles from said section line 79 rods; thence North, parallel with said section line, 42 ½ rods; thence West, at right angles with said section line, 79 rods; thence South on said section line 42 ½ rods, to the place of beginning, situated in Peoria County, Illinois.

TRACT 3:

Lot 2, being part of the West Half of the Northeast Quarter of Section 23, Township 7 North, Range 7 East of the Fourth Principal Meridian, more particularly bounded and described as follows, to-wit: Commencing at a point on the West line of said quarter section, 85.1 rods North of the Southwest corner of said quarter section; thence running North along the West line of said quarter section, 42.5 rods; thence East 79 rods; thence South 42.5 rods; thence West to the place of beginning, situated in Peoria County, Illinois.

TRACT 4:

The West 365.78 feet of the Southeast 1/4 of the Southwest 1/4 of Section 14, Township 7 North, Range 7 East of the Fourth Principal Meridian, situated, lying and being in the County of Peoria and State of Illinois.

TRACT 5:

All of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 7 North, Range 7 East of the Fourth Principal Meridian, excepting however, all that part of said premises heretofore conveyed to the St. Louis, Peoria and Northwestern (now Chicago and Northwestern) Railway Company, a corporation, by V.P. Turner and wife by warranty deed dated August 25, 1911, and recorded in book 285 of Deeds on Pg. 633; situate, lying and being in the County of Peoria and State of Illinois.

ORDINANCE NO 2418**ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION
AGREEMENT REGARDING CERTAIN TERRITORY
IN HOLLIS TOWNSHIP (AMEDEO, LLC)**

WHEREAS, it is in the best interests of the City of Pekin, Illinois that a certain Annexation Agreement (the "Annexation Agreement") regarding the annexation of certain territory in Hollis Township, Peoria County, be entered into (the Annexation Agreement is attached hereto as Exhibit A and incorporated herein by this reference); and

WHEREAS, Amedeo, LLC is the legal owner of record of the territory that is the subject of the Annexation Agreement is ready, willing, and able to enter into the Annexation Agreement and to perform the obligations as required hereunder; and

WHEREAS, pursuant to notice published in the Pekin Daily Times on March 10, 2005, the City Council, on March 28, 2005, conducted a public hearing for the purpose of considering the Annexation Agreement; and

WHEREAS, the statutory procedures provided in Section 11-15.1-1 of the Illinois Municipal Code for the execution of the Annexation Agreement have been fully complied with.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS AS FOLLOWS:**

SECTION 1: That the Annexation Agreement attached hereto as Exhibit A and incorporated herein by this reference is hereby approved.

SECTION 2: That the Mayor and City Clerk are hereby authorized and directed to execute, deliver and perform the Annexation Agreement, and such further documents as may be necessary to consummate the transaction contemplated therein.

SECTION 3: That this Ordinance shall be in full force and effect from and after its
passage, approval, and publication as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of
Pekin, this 28th day of March, 2005; and upon roll call the vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this _____ day of _____, 2005.

MAYOR

ATTEST:

CITY CLERK

Prepared By:

Patrick E. Oberle
Elliff, Keyser Oberle
& Dancey, P.C.
109 S. Fourth Street
PO Box 873
Pekin, Illinois 61555-0873

After recording return to:

Patrick E. Oberle
Elliff, Keyser Oberle
& Dancey, P.C.
109 S. Fourth Street
PO Box 873
Pekin, Illinois 61555-0873

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is effective as of _____, 2005, by and between the City of Pekin, Illinois, an Illinois municipal corporation, (the "City"); and Amedeo, LLC, an Illinois limited liability company ("Owner").

RECITALS

WHEREAS, pursuant to Section 11-15.1-1 of the Illinois Municipal Code (65 ILCS 5/11-15.1-1), the City has the power to enter into annexation agreements; and

WHEREAS, Owner is the owner of the real estate, consisting of approximately 27.90 acres, set forth on Exhibit A attached hereto and incorporated herein (the "Property"); and

WHEREAS, Owner and the City wish to provide for the annexation of the Property to the City and appropriate zoning, and special use permits for the development and operation of the Property pursuant to this Agreement; and

WHEREAS, the Property is located in unincorporated Peoria County, Illinois, and is contiguous and adjacent to the City; and

WHEREAS, no electors reside on the Property; and

WHEREAS, a public hearing was held on March 28, 2005, as required by law; and

WHEREAS, the City Council of the City, after due and careful consideration, has concluded that the annexation of the Property would further the growth of the City, enable the City to control

the development of the area, increase the taxable value of the property within the City, extend the corporate limits and jurisdiction of the City, permit the sound planning and development of the City and serve the best interests of the City and its residents; and

WHEREAS, pursuant to the provisions of Section 11-15.1-1 et seq. of the Illinois Municipal Code (65 ILCS 5/11-15.1.1 et seq.), this Agreement will, prior to execution by the City, be submitted to the City Council of the City and a public hearing will be held thereon pursuant to notice, as provided by statute.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement, the parties agree as follows:

1. PETITION FOR ANNEXATION

The Owner has previously executed and filed with the City a Petition for Annexation of the Property.

2. ANNEXATION

The City agrees to adopt an ordinance annexing the Property to the City without further public hearing, subject to the terms and conditions set forth in the Annexation Agreement. The ordinance for the annexation of the Property shall be subject to and incorporate by reference the provisions of this Annexation Agreement.

3. ZONING

Provided that the Property is annexed to the City pursuant to the provisions of this Agreement, the City agrees to rezone the Property as I-1 (Light Industrial District). The City shall so rezone the Property by ordinance of the City Council immediately upon annexation of the Property. Any rezoning of the Property shall permit the Owner to use the Property for agricultural purposes.

4. TIF DISTRICT

Owner shall cooperate with the City to establish a Tax Increment Financing (TIF) district that includes the Property. In the event that the City establishes such a TIF district and (a) such TIF district terminates prior to the Property being sold or developed for purposes related to the TIF district or (b) no development occurs within the TIF district within 23 years of the date of this Agreement, then the City, with the Owner's consent, shall detach the Property from the City, and the Owner shall have no further obligations under this agreement.

5. REBATE OF TAXES

Until the first to occur of (a) the termination of this Agreement or (b) the Owner sells or develops the Property, the City shall rebate to the Owner that portion of property taxes paid by the Owner, with respect to the Property, allocated to the City and the Pekin Library District. The City shall make such rebate payment within 30 days of receipt from Owner sufficient written evidence of payment of such taxes.

6. NOTICES

Any written notice or demand hereunder from any party to another party shall be in writing and shall be served by (a) personal delivery, (b) telefax with confirmation by first-class mail or (c) certified mail, return receipt requested at the following addresses:

to the City at:

City of Pekin
111 S. Capitol Street
Pekin, IL 61554
Attn: City Clerk
Facsimile: (309) 346-2095

with a copy to:

Patrick E. Oberle, Esq.
Elliff, Keyser, Oberle, & Dancey, P.C.
109 South Fourth Street
P. O. Box 873
Pekin, IL 61555-0873
Facsimile: (309) 346-0633

to the Owner at:

Amedeo, LLC
Attn: Robert Cupi
13385 Townline Road
Green Valley, IL 61534

with a copy to:

or to the last known address of any party or to the address provided by an assignee if such address is given in writing. Any party may change its address by providing notice in accordance with this provision. In the event said notice is mailed, the date of service shall be deemed to be two (2) business days after the date of delivery of said notice to the United States Post Office.

7. ORDINANCES

The City agrees to enact all ordinances and resolutions that are necessary to effectuate the terms of this Agreement.

8. BINDING EFFECT

This Agreement shall be binding upon the parties hereto and their respective heirs, executors, personal representatives, corporate authorities, administrators, successors and assigns.

9. TIME

Time shall be of the essence of this Agreement.

10. RECORDING

A copy of this Agreement shall be recorded in the Office of the Tazewell County Recorder of Deeds by the City within thirty (30) days of the execution of this Agreement.

11. AMENDMENT

This Agreement sets forth all the promises, inducements, agreements, conditions and understandings between the parties hereto relative to the subject matter thereof, and there are no promises, agreements, conditions or understandings, either oral or written, expressed or implied, between them, other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless authorized in accordance with law and reduced in writing and signed by them.

12. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

13. WAIVER

Neither party shall be excused from complying with any of the terms and conditions of this Agreement by any failure of the other party upon one or more occasion to insist upon or seek compliance with any such terms or conditions.

14. CONTINUITY OF OBLIGATIONS; EXCULPATION OF OWNER

Notwithstanding any provision of this Agreement to the contrary, Owner or its successor and assigns shall at all times during the term of this Agreement remain liable to the City for the faithful performance of all obligations imposed upon Owner or its successor and assigns by this Agreement until such obligations have been fully performed or until City, at its sole option, has otherwise released Owner or its successor and assigns from any or all of such obligations.

15. REMEDIES

Upon a breach of this Agreement, any party, in any court of competent jurisdiction, may seek any and all remedies available under Illinois law. Notwithstanding the foregoing, before the failure of any party to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement, the party claiming such failure shall notify, in writing, the party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced to the satisfaction of the complaining party within thirty (30) days of receipt of such notice.

16. FORCE MAJEURE

If performance of any covenant to be performed hereunder by any Party is delayed as a result of circumstances which are beyond the reasonable control of such party, which circumstances may include acts of God, war, acts of civil disobedience, strikes or similar acts, the time for such performance shall be extended by the amount of time of such delay.

17. GOVERNING LAW

This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of Illinois.

18. GENERAL PROVISIONS

- (a) The provisions of this Annexation Agreement shall control over the provisions of any City ordinances, codes or regulations which are in conflict herewith.
- (b) This Agreement may be executed in counterparts, each of which shall be deemed an original, all of which shall constitute one document.
- (c) Non-agricultural development of the Property will require connection to public water and public sewer, adherence to the City erosion control regulations, and other regulations affecting property within the City, i.e. building codes and subdivision requirements.
- (d) This Annexation Agreement and the rights of the parties hereto shall be interpreted, construed and enforced in accordance with the laws of the State of Illinois. Any litigation concerning this Annexation Agreement shall be commenced in Peoria County, Illinois.
- (e) In the event that either party or their successor should find it necessary to retain an attorney for the enforcement of any provisions hereunder occasioned by the default of the other party, the party not in default shall be entitled to recover reasonable attorneys' fees and court costs incurred whether the attorneys' fees are incurred for the purpose of negotiations, trial, appellate or other services.

(f) This Annexation Agreement may be enforced as provided by law and the parties may be civil action, mandamus, injunction or other proceedings, enforce and compel performance of this Annexation Agreement.

(g) The parties shall execute and deliver such additional documentation as may be necessary to implement this Annexation Agreement.

(h) This Annexation Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, grantees and assigns.

(i) The undersigned represents and warrants that he is the sole member and manager of Amedeo, LLC, and has authority to execute and deliver this agreement on behalf of Amedeo, LLC.

[Signature Pages to Follow]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the first date set forth above.

CITY OF PEKIN, ILLINOIS,

By: _____
Lyn Howard, Mayor

Attest:

By: _____
Sue McMillan, City Clerk

STATE OF ILLINOIS)
) SS.
COUNTY OF TAZEWELL)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Lyn Howard, personally known to me to be the Mayor of the City of Pekin, and Sue McMillan, personally known to me to be the City Clerk of the City of Pekin, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk, they signed and delivered the said instrument as Mayor and as City Clerk of said Municipal Corporation, and caused the seal of said Municipal Corporation to be affixed thereto, pursuant to authority given by the corporate authorities of the City of Pekin for the uses and purposes therein set forth.

Given under my hand and Notarial seal, this ____ day of _____, 2005.

Notary Public

OWNER

AMEDEO, LLC, an Illinois limited
liability company

By: _____
Its: Manager and Sole Member

STATE OF ILLINOIS)
) SS.
COUNTY OF TAZEWELL)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Robert Cupi, personally known to me to be the same person whose name is subscribed to the foregoing instrument appeared before me this day in person and acknowledged that he signed, sealed and delivered the foregoing instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____, 2005.

Notary Public

EXHIBIT A

TRACT 6:

Fifteen and one-half acres off the North end of the West Half of the Northeast quarter of Section 23; one acre in the Southwest corner of the East Half of the Southeast Quarter of Section 14; and 11.75 acres in the Northwest corner of the East Half of the Northeast Quarter of Section 23, all in Township 7 North, Range 7 East of the Fourth Principal Meridian, being the same premises more particularly described in a Warranty Deed recorded in Volume "RH" of the deeds at page 15 in the Recorder's Office of Peoria County, Illinois described as follows:

Commencing at a point on the Southwesterly line of the Peoria and Pekin Road (SBI Route 9) 48 ½ rods Northwesterly of the intersection of the Southwesterly line of said Road and the East line of the said Quarter Section; thence Northwesterly along the Southwesterly line of said road 55 rods to a point which is 10 rods North of the Southwest corner of the East Half of the Southeast Quarter of Section 14; thence South on the Half Section line of the Section 14 and Northeast Quarter of Section 23 a distance of 87 rods; thence Northeasterly 66 rods to the Point of Beginning; situated in the County of Peoria and State of Illinois.

ORDINANCE NO. 2419

**AN ORDINANCE PROVIDING FOR THE ANNEXATION
OF CERTAIN TERRITORY TO THE CITY OF PEKIN,
TAZEWELL AND PEORIA COUNTIES, ILLINOIS
(Deppert, Amedeo, IDOT)**

WHEREAS, there has been filed with the City Council of the City of Pekin, Illinois, a Petition for Annexation, executed by Terry D. Deppert, Keith O. Deppert and Patricia A. Deppert, owners of the real estate designated Tracts 1-5 herein (the "Deppert Property"), wherein it is recited that said Petitioners are the owner of all of the land within the Deppert Property, and that there are no electors residing therein; and

WHEREAS, there has been filed with the City Council of the City of Pekin, Illinois, a Petition for Annexation, executed by Amedeo, LLC, owner of the real estate designated Tract 6 herein (the "Amedeo Property"), wherein it is recited that said Petitioner is the owner of all of the land within the Amedeo Property, and that there are no electors residing therein; and

WHEREAS, the State of Illinois, Illinois Department of Transportation ("IDOT") is the owner of the dedicated right of way designated Tract 7 herein (the "IDOT Property), and IDOT has confirmed that the IDOT Property is dedicated as right of way and that IDOT has no objection to the City's annexation of the IDOT Property; and

WHEREAS, the Deppert Property, the Amedeo Property and the IDOT Property are collectively referred to herein as the "Territory"; and

WHEREAS, the Territory is contiguous with the boundary of the City of Pekin, Illinois;
and

WHEREAS, the Territory is not within any other municipality and no petition is pending

pertaining to any annexation of the Territory, other than herein set forth; and

WHEREAS, a notice of the proposed annexation was duly served on March 18, 2005;
and

WHEREAS, it is the duty of the City Council of the City of Pekin to determine and consider the proposed annexation of the Territory; and

WHEREAS, the Mayor and City Council, after due consideration, has recommended that the Territory be annexed to the City of Pekin; and

WHEREAS, it is deemed to be in the best interests of the City of Pekin, Illinois, that the Territory be annexed to and made a part of the City of Pekin.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, AS FOLLOWS:

SECTION I: That the property described below is hereby annexed to and made a part of the City of Pekin, and the same is hereby included within the corporate limits of the City of Pekin:

TRACT 1:

The Northwest Quarter of Section 23, in Township 7 North, Range 7 East of the Fourth Principal Meridian, EXCEPTING HOWEVER, the West 200 feet of even width thereof, conveyed to St. Louis, Peoria and Northwestern Railway Company by Warranty Deed, dated August 19, 1911, and recorded in Volume 285, Page 601, situated in Peoria County, Illinois.

TRACT 2:

A part of the West Half of the Northeast quarter of Section 23, in Township 7 North, Range 7 East of the Fourth Principal Meridian, described as follows: Commencing at a point 42.6 rods North of the Southwest corner of said Northeast Quarter, on the section line; thence East at right angles from said section line 79 rods; thence North, parallel with said section line, 42 ½ rods; thence West, at right angles with said section line, 79 rods; thence South on said section line 42 ½ rods, to the place of beginning, situated in Peoria County, Illinois.

TRACT 3:

Lot 2, being part of the West Half of the Northeast Quarter of Section 23, Township 7 North, Range 7 East of the Fourth Principal Meridian, more particularly bounded and described as

follows, to-wit: Commencing at a point on the West line of said quarter section, 85.1 rods North of the Southwest corner of said quarter section; thence running North along the West line of said quarter section, 42.5 rods; thence East 79 rods; thence South 42.5 rods; thence West to the place of beginning, situated in Peoria County, Illinois.

TRACT 4:

The West 365.78 feet of the Southeast 1/4 of the Southwest 1/4 of Section 14, Township 7 North, Range 7 East of the Fourth Principal Meridian, situated, lying and being in the County of Peoria and State of Illinois.

TRACT 5:

All of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 7 North, Range 7 East of the Fourth Principal Meridian, excepting however, all that part of said premises heretofore conveyed to the St. Louis, Peoria and Northwestern (now Chicago and Northwestern) Railway Company, a corporation, by V.P. Turner and wife by warranty deed dated August 25, 1911, and recorded in book 285 of Deeds on Pg. 633; situate, lying and being in the County of Peoria and State of Illinois.

TRACT 6:

Fifteen and one-half acres off the North end of the West Half of the Northeast quarter of Section 23; one acre in the Southwest corner of the East Half of the Southeast Quarter of Section 14; and 11.75 acres in the Northwest corner of the East Half of the Northeast Quarter of Section 23, all in Township 7 North, Range 7 East of the Fourth Principal Meridian, being the same premises more particularly described in a Warranty Deed recorded in Volume "RH" of the deeds at page 15 in the Recorder's Office of Peoria County, Illinois described as follows:

Commencing at a point on the Southwesterly line of the Peoria and Pekin Road (SBI Route 9) 48 ½ rods Northwesterly of the intersection of the Southwesterly line of said Road and the East line of the said Quarter Section; thence Northwesterly along the Southwesterly line of said road 55 rods to a point which is 10 rods North of the Southwest corner of the East Half of the Southeast Quarter of Section 14; thence South on the Half Section line of the Section 14 and Northeast Quarter of Section 23 a distance of 87 rods; thence Northeasterly 66 rods to the Point of Beginning; situated in the County of Peoria and State of Illinois.

TRACT 7:

All that part of the Northeast Quarter (NE1/4) of Section Twenty-three (23) in township Seven (7) North, Range Seven (7) East of the Fourth Principal Meridian lying between the former right-of-way of the Peoria Railway Terminal Company as now located and the right-of-way of the City of Pekin Wagon Road, leading from the bridge across the Illinois River at Pekin, Illinois, to Orchard Mines, now known as Illinois State Route No. 9-A, said premises containing 7.5 acres, and all right of way contiguous to said parcel, situate, lying and being in the County of Peoria and State of Illinois. Said tract also being known as Lot No. 8 in the NE 1/4 of Section 23 on a Plat made by Kinsey Engineering Company recorded in the Office of the Recorder of Deeds of Peoria County in Plat Book N on pages 6 and 7, situated in Peoria County, Illinois.

SECTION II: That the plat hereunto attached and marked Exhibit “A”, being a true, correct and exact plat of the territory heretofore described in this ordinance, showing the relation of the existing boundary of the City of Pekin with the land being annexed, be made an express part of this ordinance.

SECTION III: That the Notices and Affidavit of Mailing of Notice to the Trustees of Timber Hollis Fire Protection District, the Trustees of the Hollis Park District, the Trustees of the Alpha Park Library District, the Hollis Township Road Commissioner, Hollis Township Supervisor and Hollis Township Trustees, marked Exhibit “B” be made an express part of this ordinance.

SECTION IV: That, upon the taking effect of this ordinance, together with the attached Exhibits “A” and “B”, the City Clerk shall file a certified copy of this ordinance in the Office of the Peoria County Recorder of Deeds, and further the City Clerk shall file a document of annexation with the County Clerk and County Election Authority.

SECTION V: That this ordinance shall be in full force and effect upon its passage, approval and publication as may be required by law.

PASSED AND APPROVED at a regular meeting of the Mayor and City Council of the City of Pekin, this _____ day of _____, 2005; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2005.

MAYOR

ATTEST:

CITY CLERK

AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)
) S.S.
COUNTY OF TAZEWELL)

CLEONA OLMSTEAD, being first duly sworn, on oath deposes and says that she did cause the attached Notice to be served upon the following:

Timber Hollis Fire Protection District
Trustees:

Bradford Janzen
9236 S. Powell Road
Bartonville, IL 61607

Ray Rademaker
108 E. Amy, Box 361
Glasford, IL 61533

Lewis Harman
306 E. Park Ave.
Glasford, IL 61533

Alpa Park Library Board of Trustees:

Dean L. Patton
1607 Autumn Lane
Peoria, IL 61604

Kathleen A. Heubi
8605 W. Pfeiffer Road
Mapleton, IL 61547

Alpha Park Library Board of Trustees:

Mildred Deitrick
1705 N. Autumn Lane
Peoria, IL 61604

Lee A. Logan
5222 W. Mahark Lane
Peoria, IL 61607

Mary Ann Gottlieb,
5606 S. Lafayette Ave.
Bartonville, IL 61607

Larry E. Thomason, Jr.
5220 S. Acre Road
Mapleton, IL 61547

Peggy Bragg
1027 S. Mesa Drive
Bartonville, IL 61607

Hollis Park District Board of Trustees:

Otis Sanders
9424 S. Reed City Road
Mapleton, IL 61547

William Kettering
7914 S. McCumber Road
Bartonville, IL 61607

William Scott
9425 S. Robinson Lane
Mapleton, IL 61547

Todd David
9725 W. Wheeler Road
Mapleton, IL 61547

Anita Zeine
6715 S. Stranz Rd.
Mapleton, IL 61547

Hollis Township Board of Trustees:

James E. Bailey
4514 W. Tuscarora Road
Peoria, IL 61607

Russell M. Look
7710 S. Gerdes Road
Mapleton, IL 61547

Raymond Coulson
6405 S. Quail Hollow Lane
Peoria, IL 61607

Maryann Morrison
6215 S. Cameron Lane
Mapleton, IL 61547

William J. Gerdes
6016 S. Lafayette Road
Peoria, IL 61607

Dennis Beckman, Road Commissioner of Hollis Township, Peoria County, Illinois
6110 W. Tuscarora Road
Peoria, IL 61607

by mailing a true and correct copy of the same by certified mail at the addresses set forth above on the 18th day of March, 2005, by depositing the same in the United States Mail at Pekin, Illinois, postage prepaid.


CLEONA OLMSTEAD

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 23rd day of March, 2005.

Notary Public

This Instrument Prepared By:

William P. Streeter
Assistant Corporation Counsel
109 S. Fourth Street
Pekin, IL 61555-0873



City of Pekin

March 17, 2005

TO:

Bradford Janzen
9236 S. Powell Road
Bartonville, IL 61607

Ray Rademaker
108 E. Amy, Box 361
Glasford, IL 61533

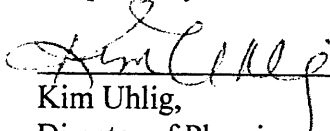
Lewis Harman
306 E. Park Ave.
Glasford, IL 61533

Being all of the Trustees of the Timber Hollis Fire Protection District, Peoria County, Illinois.

You and each of you are hereby notified that the City of Pekin, Counties of Tazewell and Peoria, is about to annex the territory hereinafter described pursuant to the provisions of Article 7, Division 1, of the Illinois Municipal Code (65 ILCS 5/7-1-1, et seq.), and that such annexation will take place not less than ten days after the service of this notice on you. The Council intends to consider the annexation of this territory at a meeting to be held at City Hall, 111 S. Capitol Street, Pekin, Illinois, on March 28, 2005 at 5:30 P.M. The real estate is described as follows:

(See Exhibit "A" Attached Hereto and Incorporated Herein by Reference Thereto.)

Respectfully submitted,



Kim Uhlig,
Director of Planning and Development



City of Pekin

March 17, 2005

TO:

Dean L. Patton, President
1607 Autumn Lane
Peoria, IL 61604

Kathleen A. Heubi, Vice President
8605 W. Pfeiffer Road
Mapleton, IL 61547

Mildred Deitrick, Secretary
1705 N. Autumn Lane
Peoria, IL 61604

Lee A. Logan, Treasurer
5222 W. Mahark Lane
Peoria, IL 61607

Mary Ann Gottlieb, Trustee
5606 S. Lafayette Ave.
Bartonville, IL 61607

Larry E. Thomason, Jr., Trustee
5220 S. Acre Road
Mapleton, IL 61547

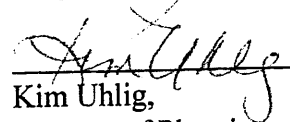
Peggy Bragg, Trustee
1027 S. Mesa Drive
Bartonville, IL 61607

Being all of the Trustees of the Alpha Park Library District, Peoria County, Illinois.

You and each of you are hereby notified that the City of Pekin, Counties of Tazewell and Peoria, is about to annex the territory hereinafter described pursuant to the provisions of Article 7, Division 1, of the Illinois Municipal Code (65 ILCS 5/7-1-1, et seq.), and that such annexation will take place not less than ten days after the service of this notice on you. The Council intends to consider the annexation of this territory at a meeting to be held at City Hall, 111 S. Capitol Street, Pekin, Illinois, on March 28, 2005 at 5:30 P.M. The real estate is described as follows:

(See Exhibit "A" Attached Hereto and Incorporated Herein by Reference Thereto.)

Respectfully submitted,



Kim Uhlig,
Director of Planning and Development



City of Pekin

March 17, 2005

TO:

Otis Sanders
9424 S. Reed City Road
Mapleton, IL 61547

Todd David
9725 W. Wheeler Road
Mapleton, IL 61547

William Scott
9425 S. Robinson Lane
Mapleton, IL 61547

Anita Zeine
6715 S. Stranz Rd.
Mapleton, IL 61547

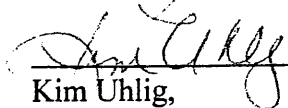
William Kettering
7914 S. McCumber Road
Bartonville, IL 61607

Being all of the Trustees of Hollis Park District, Peoria County, Illinois.

You and each of you are hereby notified that the City of Pekin, Counties of Tazewell and Peoria, is about to annex the territory hereinafter described pursuant to the provisions of Article 7, Division 1, of the Illinois Municipal Code (65 ILCS 5/7-1-1, et seq.), and that such annexation will take place not less than ten days after the service of this notice on you. The Council intends to consider the annexation of this territory at a meeting to be held at City Hall, 111 S. Capitol Street, Pekin, Illinois, on March 28, 2005 at 5:30 P.M. The real estate is described as follows:

(See Exhibit "A" Attached Hereto and Incorporated Herein by Reference Thereto.)

Respectfully submitted,



Kim Uhlig,
Director of Planning and Development



City of Pekin

March 17, 2005

TO:

James E. Bailey, Supervisor
4514 W. Tuscarora Road
Peoria, IL 61607

Raymond Coulson
6405 S. Quail Hollow Lane
Peoria, IL 61607

William J. Gerdes
6016 S. Lafayette Road
Peoria, IL 61607

Russell M. Look
7710 S. Gerdes Road
Mapleton, IL 61547

Maryann Morrison
6215 S. Cameron Lane
Mapleton, IL 61547

Being all of the Trustees of Hollis Township, Peoria County, Illinois.

You and each of you are hereby notified that the City of Pekin, Counties of Tazewell and Peoria, is about to annex the territory hereinafter described pursuant to the provisions of Article 7, Division 1, of the Illinois Municipal Code (65 ILCS 5/7-1-1, et seq.), and that such annexation will take place not less than ten days after the service of this notice on you. The Council intends to consider the annexation of this territory at a meeting to be held at City Hall, 111 S. Capitol Street, Pekin, Illinois, on March 28, 2005 at 5:30 P.M. The real estate is described as follows:

(See Exhibit "A" Attached Hereto and Incorporated Herein by Reference Thereto.)

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kim Uhlig", is written over a horizontal line.

Kim Uhlig,
Director of Planning and Development



City of Pekin

March 17, 2005

TO:

Dennis Beckman
6110 W. Tuscarora Road
Peoria, IL 61607

Being Road Commissioner of Hollis Township, Peoria County, Illinois.

You are hereby notified that the City of Pekin, Counties of Tazewell and Peoria, is about to annex the territory hereinafter described pursuant to the provisions of Article 7, Division 1, of the Illinois Municipal Code (65 ILCS 5/7-1-1, et seq.), and that such annexation will take place not less than ten days after the service of this notice on you. The Council intends to consider the annexation of this territory at a meeting to be held at City Hall, 111 S. Capitol Street, Pekin, Illinois, on March 28, 2005 at 5:30 P.M. The real estate is described as follows:

(See Exhibit "A" Attached Hereto and Incorporated Herein by Reference Thereto.)

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kim Uhlig", is written over a horizontal line.

Kim Uhlig,
Director of Planning and Development

EXHIBIT "A"

TRACT 1:

The Northwest Quarter of Section 23, in Township 7 North, Range 7 East of the Fourth Principal Meridian, EXCEPTING HOWEVER, the West 200 feet of even width thereof, conveyed to St. Louis, Peoria and Northwestern Railway Company by Warranty Deed, dated August 19, 1911, and recorded in Volume 285, Page 601, situated in Peoria County, Illinois.

TRACT 2:

A part of the West Half of the Northeast quarter of Section 23, in Township 7 North, Range 7 East of the Fourth Principal Meridian, described as follows: Commencing at a point 42.6 rods North of the Southwest corner of said Northeast Quarter, on the section line; thence East at right angles from said section line 79 rods; thence North, parallel with said section line, 42 ½ rods; thence West, at right angles with said section line, 79 rods; thence South on said section line 42 ½ rods, to the place of beginning, situated in Peoria County, Illinois.

TRACT 3:

Lot 2, being part of the West Half of the Northeast Quarter of Section 23, Township 7 North, Range 7 East of the Fourth Principal Meridian, more particularly bounded and described as follows, to-wit: Commencing at a point on the West line of said quarter section, 85.1 rods North of the Southwest corner of said quarter section; thence running North along the West line of said quarter section, 42.5 rods; thence East 79 rods; thence South 42.5 rods; thence West to the place of beginning, situated in Peoria County, Illinois.

TRACT 4:

The West 365.78 feet of the Southeast 1/4 of the Southwest 1/4 of Section 14, Township 7 North, Range 7 East of the Fourth Principal Meridian, situated, lying and being in the County of Peoria and State of Illinois.

TRACT 5:

All of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 7 North, Range 7 East of the Fourth Principal Meridian, excepting however, all that part of said premises heretofore conveyed to the St. Louis, Peoria and Northwestern (now Chicago and Northwestern) Railway Company, a corporation, by V.P. Turner and wife by warranty deed dated August 25, 1911, and recorded in book 285 of Deeds on Pg. 633; situate, lying and being in the County of Peoria and State of Illinois.

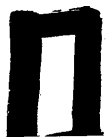
TRACT 6:

Fifteen and one-half acres off the North end of the West Half of the Northeast quarter of Section 23; one acre in the Southwest corner of the East Half of the Southeast Quarter of Section 14; and 11.75 acres in the Northwest corner of the East Half of the Northeast Quarter of Section 23, all in Township 7 North, Range 7 East of the Fourth Principal Meridian, being the same premises more particularly described in a Warranty Deed recorded in Volume "RH" of the deeds at page 15 in the Recorder's Office of Peoria County, Illinois described as follows:

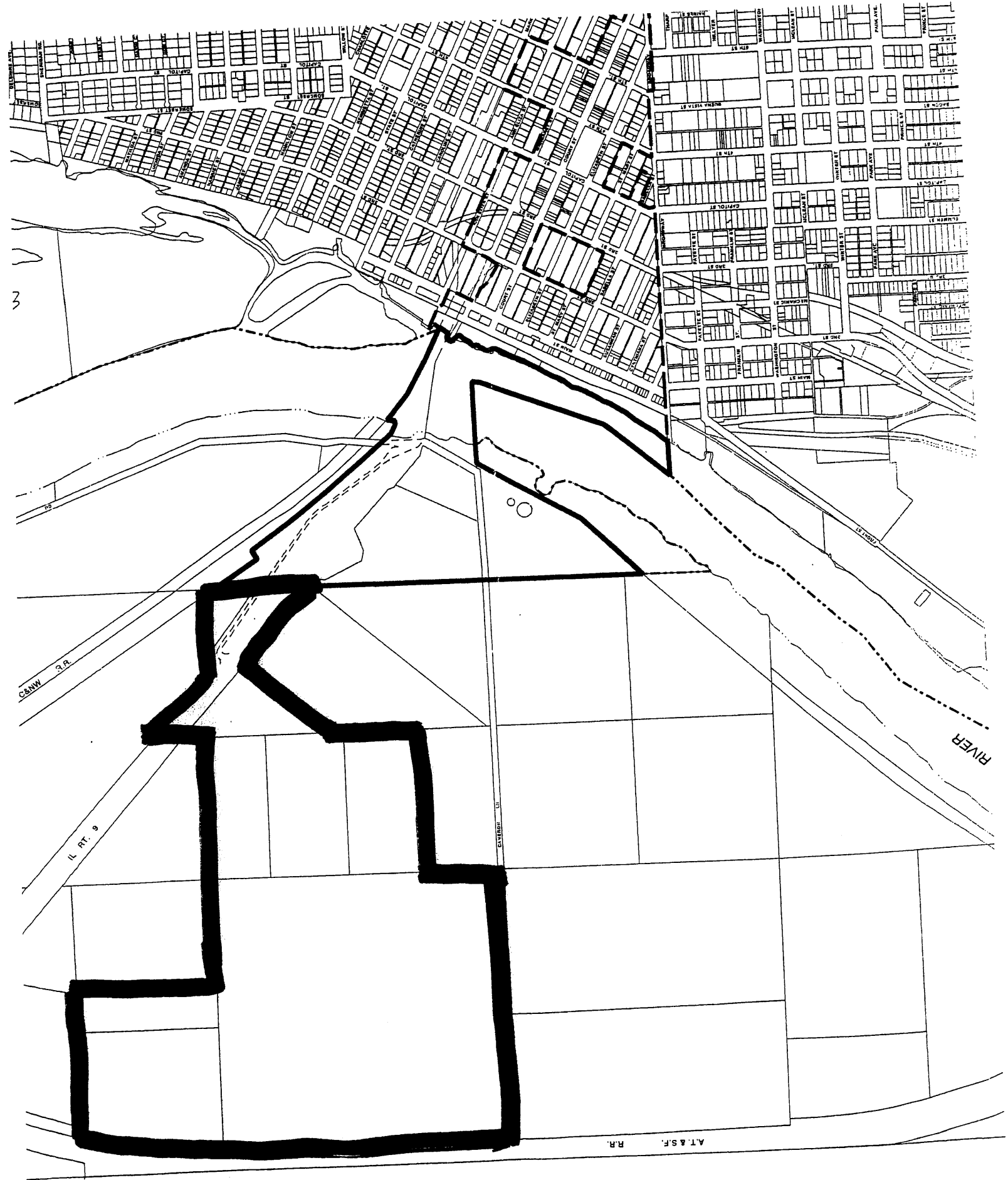
Commencing at a point on the Southwesterly line of the Peoria and Pekin Road (SBI Route 9) 48 ½ rods Northwesterly of the intersection of the Southwesterly line of said Road and the East line of the said Quarter Section; thence Northwesterly along the Southwesterly line of said road 55 rods to a point which is 10 rods North of the Southwest corner of the East Half of the Southeast Quarter of Section 14; thence South on the Half Section line of the Section 14 and Northeast Quarter of Section 23 a distance of 87 rods; thence Northeasterly 66 rods to the Point of Beginning; situated in the County of Peoria and State of Illinois.

TRACT 7:

All that part of the Northeast Quarter (NE1/4) of Section Twenty-three (23) in township Seven (7) North, Range Seven (7) East of the Fourth Principal Meridian lying between the former right-of-way of the Peoria Railway Terminal Company as now located and the right-of-way of the City of Pekin Wagon Road, leading from the bridge across the Illinois River at Pekin, Illinois, to Orchard Mines, now known as Illinois State Route No. 9-A, said premises containing 7.5 acres, and all right of way contiguous to said parcel, situate, lying and being in the County of Peoria and State of Illinois. Said tract also being known as Lot No. 8 in the NE 1/4 of Section 23 on a Plat made by Kinsey Engineering Company recorded in the Office of the Recorder of Deeds of Peoria County in Plat Book N on pages 6 and 7, situated in Peoria County, Illinois.



AREA
TO BE
ANNEXED



ORDINANCE NO. 1568 - A-151**AN ORDINANCE PROVIDING FOR THE
ZONING OF CERTAIN PROPERTY**

WHEREAS, Terry D. Deppert, Keith O. Deppert and Patricia A. Deppert (collectively "Deppert") (as to Tracts 1-5) and Amedeo, LLC ("Amedeo") (as to Tract 6), are the owners of the parcels herein described; and

WHEREAS, Deppert and Amedeo have each entered into an Annexation Agreement with the City of Pekin and therein agreed that their respective parcels hereinafter described be zoned as I-1 (Light Industrial District); and

WHEREAS, due notice has been provided to all interested parties; and notice of a public hearing was duly published according to the law on Feb. 22, 2005, in the Pekin Daily Times, Pekin, Illinois; and

WHEREAS, pursuant to notice duly published according to law, the Planning Commission held a public hearing at 6:30 p.m. on March 9, 2005, and subsequent to said hearing duly transmitted its recommendations to the City Council recommending the zoning of said property.

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

1. That the following described property is hereby zoned as I-1 (Light Industrial District):

See Exhibit A attached hereto and incorporated herein by this reference.

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this _____ day of _____, 2005; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2005.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

TRACT 1:

The Northwest Quarter of Section 23, in Township 7 North, Range 7 East of the Fourth Principal Meridian, EXCEPTING HOWEVER, the West 200 feet of even width thereof, conveyed to St. Louis, Peoria and Northwestern Railway Company by Warranty Deed, dated August 19, 1911, and recorded in Volume 285, Page 601, situated in Peoria County, Illinois.

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TRACT 3:

Lot 2, being part of the West Half of the Northeast Quarter of Section 23, Township 7 North, Range 7 East of the Fourth Principal Meridian, more particularly bounded and described as follows, to-wit: Commencing at a point on the West line of said quarter section, 85.1 rods North of the Southwest corner of said quarter section; thence running North along the West line of said quarter section, 42.5 rods; thence East 79 rods; thence South 42.5 rods; thence West to the place of beginning, situated in Peoria County, Illinois.

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All of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 7 North, Range 7 East of the Fourth Principal Meridian, excepting however, all that part of said premises heretofore conveyed to the St. Louis, Peoria and Northwestern (now Chicago and Northwestern) Railway Company, a corporation, by V.P. Turner and wife by warranty deed dated August 25, 1911, and recorded in book 285 of Deeds on Pg. 633; situate, lying and being in the County of Peoria and State of Illinois.

TRACT 6:

Fifteen and one-half acres off the North end of the West Half of the Northeast quarter of Section 23; one acre in the Southwest corner of the East Half of the Southeast Quarter of Section 14; and 11.75 acres in the Northwest corner of the East Half of the Northeast Quarter of Section 23, all in Township 7 North, Range 7 East of the Fourth Principal Meridian, being the same premises more particularly described in a Warranty Deed recorded in Volume "RH" of the deeds at page 15 in the Recorder's Office of Peoria County, Illinois described as follows:

Commencing at a point on the Southwesterly line of the Peoria and Pekin Road (SBI Route 9) 48 ½ rods Northwesterly of the intersection of the Southwesterly line of said Road and the East line of the said Quarter Section; thence Northwesterly along the Southwesterly line of said road 55 rods to a point which is 10 rods North of the Southwest corner of the East Half of the Southeast Quarter of Section 14; thence South on the Half Section line of the Section 14 and Northeast Quarter of Section 23 a distance of 87 rods; thence Northeasterly 66 rods to the Point of Beginning; situated in the County of Peoria and State of Illinois.

ORDINANCE NO. 2420-0A

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 7A,
OF THE CODE OF THE CITY OF
PEKIN 1995 REGARDING THE ZONING CODE**

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

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the City Code regarding the City's Zoning Code.

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

1. That Title 9, Chapter 7A, Subsection 2 be amended by adding the following as the third paragraph to Principal Uses Permitted: "All principal uses as permitted under the Agricultural District (AG). Screening requirements for abutting residential, office, and business zones shall not apply to such uses."
2. That Title 9, Chapter 7A, Subsection 3 be amended by adding the following as the second paragraph to Special Uses: "All special uses as permitted under the Agricultural District (AG)."

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this _____ day of _____, 2004; and upon roll call the vote was as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this _____ day of _____, 2004.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 2421 -DA**AN ORDINANCE AMENDING TITLE 9, CHAPTER 10,
OF THE CODE OF THE CITY OF
PEKIN 1995 REGARDING THE ZONING CODE**

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

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the City Code regarding the City's Zoning Code.

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

1. That Title 9, Chapter 10, Subsection 4C be amended by deleting the first sentence and replacing with the following: "Racetracks (Including Midget Auto and Karting Tracks), water theme parks, equestrian parks, marine parks, and amusement parks.
2. That Title 9, Chapter 10, Subsection 4C second sentence be amended by deleting the words "Race Tracks" and replacing with "Because these types of facilities....."

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this _____ day of _____, 2004; and upon roll call the vote was as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this _____ day of _____, 2004.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 2422-0A

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 10B,
OF THE CODE OF THE CITY OF
PEKIN 1995 REGARDING THE ZONING CODE**

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

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the City Code regarding the City's Zoning Code.

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

1. That Title 9, Chapter 10B, be amended by adding Subsection 3 which states the following: "Enforcement: The authority to enforce the provisions of the Off-Street Parking and Loading shall be the joint responsibility of the City of Pekin Inspections Department and the City of Pekin Police Department."

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of
Pekin, this _____ day of _____, 2004; and upon roll call the vote was as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this _____ day of _____, 2004.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 2423

**AN ORDINANCE AMENDING TITLE 1
OF THE CODE OF THE CITY OF PEKIN 1995 REGARDING
THE ADMINISTRATIVE ADJUDICATION OF ORDINANCE VIOLATIONS**

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

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

WHEREAS, pursuant to its home rule power, the City desires to enact an
ordinance implementing the provisions of 65 ILCS 5/1-2.1-4 regarding administrative
adjudication of ordinance violations; and

WHEREAS, the City Council has determined that it is in the best interests of the
City and the health, safety and welfare of the City and its citizens to amend the City Code
regarding the administrative adjudication of ordinance violations.

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

1. That a new Chapter 12 of Title 1 be inserted as follows:

See Exhibit A attached hereto and incorporated herein by this reference.

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this _____ day of _____, 2005; and upon roll call the vote was as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this _____ day of _____, 2005.

MAYOR

ATTEST:

CITY CLERK

CHAPTER 12

ADMINISTRATIVE ADJUDICATION OF VIOLATIONS OF THE CITY CODE

1-12-1 PURPOSE.

The stated purpose of this article is to provide for the fair and efficient enforcement of the City Code of the City of Pekin, Illinois, other than those ordinances pertaining to vehicular standing, parking or vehicle compliance regulation (hereafter the "City Code"), as may be allowed by law and directed by ordinance, through an administrative adjudication of violations; and, establishing a schedule of fines and penalties, and authority and procedures for collection of unpaid fines and penalties.

1-12-2 CREATION.

There is hereby established a department of the City government to be known as the ordinance enforcement department and to have the power to enforce any municipal ordinance as from time to time authorized by the City Council, except for (i) any offense enforced pursuant to Chapter 4 of Title 8 of this Code relating to stopping, standing and parking of vehicles; (ii) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles; and, (iii) any reportable offense under Section 6-204 of the Illinois Vehicle Code. The establishment of the ordinance enforcement department does not preclude the Mayor and City Council from using any other method or court with jurisdiction to enforce ordinances of the City.

1-12-3 ADMINISTRATIVE COMPOSITION.

The ordinance enforcement department shall be composed of a hearing officer, an ordinance enforcement administrator, system coordinator/computer operator and hearing room security personnel, with the power and authority as hereinafter set forth. One person may serve more than one such position. The City may contract with other parties to serve such positions.

- (a) (1) The hearing officer, prior to appointment, must be an attorney licensed to practice law for at least three (3) years in the State of Illinois. The hearing officer shall preside over all adjudicatory hearings and shall have the following powers and duties:
 - a. To administer oaths;
 - b. To hear testimony and accept evidence that is relevant to the existence of the City Code violation;

c. To issue subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;

d. To preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;

e. To issue and sign a written finding, decision and order stating whether a City Code violation exists;

f. To impose penalties, sanctions or such other relief consistent with applicable City Code provisions and assessing costs upon finding a party liable for the charged violation, except however, that in no event shall the hearing officer have authority to impose a penalty of incarceration; and,

g. To review final determination of liability for an ordinance violation in accordance with the administrative review procedures hereinafter set forth.

(2) Prior to conducting administrative adjudication proceedings under this article, the hearing officer shall have successfully completed a formal training program which includes the following:

a. Instruction on the rules of procedure of the administrative hearings over which the hearing officer shall preside;

b. Orientation to each subject area of the code violations that he/she will adjudicate;

c. Observation of administrative hearings; and,

d. Participation in hypothetical cases, including ruling on evidence and issuing final orders.

(b) The ordinance enforcement administrator is authorized and directed to:

(1) Operate and manage the ordinance enforcement department.

(2) Adopt, distribute and process all notices as may be required under this article or as may be reasonably required to carry out the purpose of this article.

(3) Collect moneys paid as fines and/or penalties assessed after a final determination of liability.

- (4) Certify copies of final determinations of an ordinance violation adjudicated pursuant to this article, and any factual reports verifying the final determination of any violation liability which was issued in accordance with this article.
 - (5) Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created.
 - (6) Collect unpaid fines and penalties through private collection agencies and direct the pursuit of all post-judgment remedies available by law.
- (c) The system coordinator/computer operator is hereby authorized and directed to operate and maintain the computer programs for the administrative adjudication system of the ordinance enforcement department hereby created, on a day-to-day basis, including but not limited to:
- (1) Input of violation notice information.
 - (2) Establishing hearing dates and notice dates.
 - (3) Record fine and penalty assessment and payments.
 - (4) Issue payment receipts.
 - (5) Issue succeeding notice of hearing dates and/or final determination of liability.
 - (6) Keep accurate records of appearances and nonappearances at administrative hearings, pleas entered, judgments entered, sanctions imposed, if any, fines and penalties assessed and paid.
- (d) All hearing room security personnel shall be qualified off-duty, full-time, part-time or auxiliary police officers who are hereby authorized and directed to:
- (1) Maintain hearing room decorum.
 - (2) Have and execute authority as is granted to courtroom deputies of the circuit court.
 - (3) Perform such other duties or acts as may reasonably be required and as directed by the hearing officer or ordinance enforcement administrator.

The City Manager is hereby authorized to appoint persons to hold the positions above set forth. Other than the hearing officer, one person may hold and fulfill the requirements of one or more of the above stated positions and compensation for each of the above stated positions shall be as approved by the City Council.

1-12-4 **PROCEDURES.**

The system of administrative adjudication of any ordinance violation authorized to be adjudicated hereunder, shall afford a party due process of law and the hearings shall be conducted in accordance with the following procedures:

- (a) Violation notices of any City Code shall be issued by the persons authorized under this Code and shall contain information and shall be certified and constitute prima facie evidence of the violation cited as hereinafter set forth.
- (b) All full-time, part-time and auxiliary police officers as well as other specifically authorized individuals of any department of the City shall have the authority to issue violation notices.
- (c) Any individual authorized hereby to issue violation notices and who detects any ordinance violation authorized to be adjudicated under this article, is authorized to issue notice of violation thereof and shall make service thereof as is hereinafter set forth.
- (d) The violation notice of the City Code shall contain, but shall not be limited to, the following information:
 - (1) The name of the party violating the ordinance, if known.
 - (2) The date, time and place of the violation (date of issuance).
 - (3) The particular ordinance violated.
 - (4) The fine and any penalty which may be assessed for the ordinance violation.
 - (5) The signature and identification number of the person issuing the notice.
 - (6) The date and location of the adjudication hearing of ordinance violations, and the penalties for failure to appear at the hearing.
 - (7) That payment of the indicated fine and any late payment shall operate as a final disposition of the violation.

1-12-5 **SERVICE.**

- (a) Service of any violation notice shall be made by the person issuing such notice by:
 - (1) Handing the notice to the person responsible for the ordinance violation;

- (2) Handing the notice to the responsible person or leaving the notice with any person twelve (12) years of age or older at the residence of the responsible person;
 - (3) Mailing the notice by first class mail, postage prepaid, to the person responsible for the ordinance violation; or,
 - (4) Posting the notice upon the property where the violation is found when the person is the owner or manager of the property.
- (b) The correctness of facts contained in any violation notice shall be verified by the person issuing said notice by:
- (1) Signing his/her name to the notice at the time of issuance; or,
 - (2) In the case of a notice produced by a computer device, by signing a single certificate, to be kept by the ordinance enforcement administrator, attesting to the correctness of all notices produced by the device while under his/her control.
- (c) The original or a facsimile of the violation notice shall be retained by the ordinance enforcement administrator and kept as a record in the ordinary course of business.
- (d) Any violation notice issued, signed and served in accordance herewith, or a copy of the notice, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice.

1-12-6 ADMINISTRATIVE HEARINGS.

An administrative hearing to adjudicate any alleged City Code ordinance violation on its merits shall be granted to the person named in the ordinance violation notice. All administrative hearings shall be recorded and shall culminate in a determination of liability or nonliability, made by the hearing officer, who shall consider facts and/or testimony without the application of the formal or technical rules of evidence. Evidence including hearsay, may be admitted only if it is of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs. The hearing officer shall, upon a determination of liability, assess fines, penalties and costs in accordance with section 1-12-12 hereof. Persons appearing to contest the alleged violation on its merits may be represented by counsel at their own expense, present witnesses and cross-examine opposing witnesses. The burden of proof shall be on the alleged offender to refute the prima facie case set forth in the verified notice of violation.

1-12-7 NOTICES.

- (a) Upon failure of the person receiving a notice of a violation of the City Code to appear at the time and date designated for a hearing, the ordinance enforcement administrator shall send, or cause to be sent, notices as provided in paragraph (b), by first class mail, postage prepaid, to the person who received the notice of an ordinance

violation. Service of notices sent in accordance herewith shall be complete as of the date of deposit in the United States mail.

(b) The notices sent pursuant to paragraph (a) shall be in the following sequence and contain, but not be limited to, the following information:

- (1) Date and location of violation cited in the violation notice;
- (2) Particular ordinance violated;
- (3) Fine and any penalty that may be assessed for late payment;
- (4) A section entitled "Notice of Hearing" which shall clearly set forth that the person receiving a notice of the City Code ordinance violation may appear at an administrative hearing to contest the validity of the violation notice on the date and at the time and place as specified in the notice of hearing.
- (5) Date, time and place of the administrative hearing at which the alleged violation may be contested on its merits.
- (6) Statement that failure to either pay fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of liability for the "cited" violation in the amount of the fine and penalty indicated.
- (7) Statement that upon the occurrence of a final determination of liability for the failure, and the exhaustion of, or the failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the City.

(c) A notice of final determination of liability shall be sent following the conclusion of administrative hearing, as is hereinafter set forth, and shall contain, but not be limited to, the following information and warnings:

- (1) A statement that the unpaid fine and any penalty assessed is a debt due and owing the City;
- (2) A statement of any sanction ordered or costs imposed which costs are debts due and owing the City; and,
- (3) A warning that failure to pay the fine and any penalty due and owing the City within the time specified may result in proceeding with collection procedures in the same manner as a judgment entered by any court of competent jurisdiction.

1-12-8 FINAL DETERMINATION OF LIABILITY.

A final determination of liability shall occur following the failure to pay the fine or penalty after the hearing officer's determination of liability and the exhaustion of, or the failure to exhaust, any administrative review procedures hereinafter set forth. Where a person fails to appear at the administrative hearing to contest the alleged violation on the date and at the time and place specified in a prior served or mailed notice pursuant to Section 1-12-7 (b) hereof, the hearing officer's determination of liability shall become final either upon a denial of a timely petition to set aside that determination or upon the expiration of the period for filing a petition without a filing having been made.

1-12-9 PETITION TO SET ASIDE DETERMINATION.

A petition to set aside a final determination of liability may be filed with the ordinance enforcement administrator within twenty-one (21) days of the date of the final determination of liability and payment of twenty-five dollars (\$25.00).

1-12-10 JUDICIAL REVIEW.

Any final decision by a hearing officer that a City Code violation does or does not exist shall constitute a final determination for purposes of judicial review under the Illinois Administrative Review Law.

1-12-11 ENFORCEMENT OF JUDGMENT.

(a) Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law are a debt due and owing the City and may be collected in accordance with applicable law.

(b) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a code violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(c) In any case in which a hearing officer finds that a defendant has failed to comply with a judgment ordering a defendant to correct a code violation or imposing any fine or other sanction as a result of a code violation, any expenses incurred by the City to enforce the judgment including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure after they are fixed by the hearing officer, shall be a debt due and owing the municipality and may be collected in accordance with applicable law. Prior to any expenses being fixed by a hearing officer pursuant to this subsection (c), the municipality shall provide notice to the defendant that states that the defendant shall appear at a hearing before the administrative hearing officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for such a hearing, which shall not be less than 7 days from the date that notice is served. If

notice is served by mail, the 7-day period shall begin to run on the date that the notice was deposited in the mail

(d) A lien shall be imposed on the real estate or personal estate, or both, of the defendant in the amount of any debt due and owing the City under this section. The lien may be recorded and enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction. No lien may be enforced under this section until it has been recorded in the manner provided by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code.

(e) A hearing officer may set aside any judgment entered by default and set a new hearing date upon a petition filed within twenty-one (21) days after the issuance of the order of default if the hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the City did not provide proper service of process. If any judgment is set aside pursuant to this subsection (e), the hearing officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the municipality as a result of the vacated default judgment.

1-12-12 SCHEDULE OF FINES/PENALTIES.

For an ordinance violation of the City Code, fines and penalties shall be as established from time to time by the Mayor and City Council.

Memo

To: Commissioners

From: Joseph W. Wuellner, Public Works Director

CC: Denny Kief, Sue McMillan, Bill Streeter, & Ron Sieh

Date: March 23, 2005

Re: Hearing Officer for Zoning Issues

Gentlemen:

After months of deliberation, we have come to an agreement with Brian Heller to be the attorney who will act as an administrative adjudicator for zoning violations. This process has been in use by Tazewell County for almost two years and they have seen a definite increase in compliance. We are hoping to see that same increase once we get this process in action.

Mr. Heller will set up a date and reserve a court room once a month when we can schedule our cases to come before him for action. Any ruling that he hands down will be enforceable and will also allow the person the right to appeal.

The code changes and agreement will be on the agenda for the Council Meeting of March 28th for your approval. Please look over the attachments and if you have any questions come and see me or give me a call.

Thanks,

Joe

ORDINANCE NO. 2424

**AN ORDINANCE AUTHORIZING
A HEARING OFFICER AGREEMENT
WITH J. BRIAN HELLER**

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

WHEREAS, pursuant to its home rule power, the City has enacted an ordinance implementing the provisions of 65 ILCS 5/1-2.1-4 regarding administrative adjudication of ordinance violations; and

WHEREAS, previously J. Brian Heller was appointed as Hearing Officer of the City of Pekin ordinance enforcement department, subject to approval of a written agreement concerning the duties to be performed and compensation to be paid for such position; and

WHEREAS, the position of Hearing Officer of the City of Pekin ordinance enforcement department is not contemplated to involve sufficient time to justify the hiring of a full time employee; and

WHEREAS, J. Brian Heller is an attorney licensed to practice law in the State of Illinois for at least three years; and

WHEREAS, J. Brian Heller has completed or will complete a formal training program applicable to his duties described herein which satisfies the requirements of 65 ILCS 5/1-2.1-4(c); and

WHEREAS, the City has negotiated a Hearing Officer Agreement with J. Brian Heller, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the City believes that the Agreement is in the vital and best interest of the City and the health, safety, morals and welfare of its residents.

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

1. That the Hearing Officer Agreement by and between the City of Pekin and J. Brian Heller, a copy of which is attached hereto as Exhibit A, is hereby approved and accepted by the City of Pekin.
2. The Mayor of the City of Pekin and the City Clerk are hereby authorized and directed to execute and deliver the Hearing Officer Agreement attached hereto as Exhibit "A".

he City of Pekin and the City Clerk are hereby authorized, respectively,
alf of the City of Pekin, to execute and attest such other documents and
ther acts as may be necessary to carry out the terms of the Hearing Officer

HER ORDAINED that this Ordinance shall be in full force and effect
oval and publication as may be required by law.

APPROVED at a regular meeting of the City Council of the City of
March, 2005; and upon roll call the vote was as follows:

i: _____

this 28th day of March, 2005.

MAYOR

HEARING OFFICER AGREEMENT

THIS AGREEMENT entered into by and between the City of Pekin, an Illinois Municipal corporation, a body politic, hereinafter referred to as "City"; and J. Brian Heller, hereinafter referred to as "Hearing Officer", this _____ day of _____, 2005.

WHEREAS, previously J. Brian Heller was appointed as Hearing Officer of the City of Pekin ordinance enforcement department, subject to approval of a written agreement concerning the duties to be performed and compensation to be paid for such position; and

WHEREAS, the position of Hearing Officer of the City of Pekin ordinance enforcement department is not contemplated to involve sufficient time to justify the hiring of a full time employee; and

WHEREAS, the Hearing Officer is an attorney licensed to practice law in the State of Illinois for at least three years; and

WHEREAS, the Hearing Officer has completed or will complete a formal training program applicable to his duties described herein which satisfies the requirements of 65 ILCS 5/1-2.1-4(c).

NOW, THEREFORE, in consideration of the herein stated mutual covenants, promises and undertakings by the parties to this Agreement, it is agreed by and between the parties as follows:

1. The Hearing Officer shall conduct administrative adjudicatory hearings of ordinance violations for the City of Pekin. The Hearing Officer shall perform all of the duties as Hearing Officer required by this Agreement, any applicable requirements of 65 ILCS 5/1-2.1-1, et seq., and any applicable requirements of the City Code of the City of Pekin (collectively the "Applicable Laws").

2. The City shall pay the Hearing Officer for the performance of the duties contemplated herein at a rate of One Hundred Dollars (\$100.00) per hour the Hearing Officer performs such duties. Prior to payment, the Hearing Officer shall present to the City's Code Enforcement Officer invoices specifying the work performed. The City shall have no obligation to use the Hearing Officer's services hereunder.

3. The term of this agreement shall be for 12 months commencing January 1, 2005. The City shall have the option to reappoint Hearing Officer or another individual upon expiration of the initial 12 month period. The City may terminate this Agreement and the Hearing Officer's appointment upon 30 days notice to the Hearing Officer.

4. The City and the Hearing Officer agree and acknowledge that the Hearing Officer's appointment and his performance of his duties hereunder do not create an employer-employee relationship between the City and the Hearing Officer. The Hearing Officer is and shall be an independent contractor for all purposes, solely responsible for the results to be obtained and not subject to the control or supervision of the City regarding the manner and means of performing the services and obligations of this contract, except as provided herein and in the Applicable Laws.

5. The Hearing Officer shall determine the hours for hearings to be conducted, subject to the approval of the City, which approval shall not be unreasonably withheld. The Hearing Officer shall provide notice of the dates and times available for hearing to the City approximately 60 days prior to the hearings.

6. The City shall indemnify the Hearing Officer for all lawsuits arising out of and within the scope of the duties contemplated herein, unless such lawsuits arise out of willful and wanton

conduct or intentional conduct on the part of the Hearing Officer, beyond what is necessary to comply with the terms of this agreement.

7. This contract shall be governed by and interpreted in accordance with the laws of the State of Illinois. All relevant provisions of the laws of the State of Illinois applicable hereto and required to be reflected or set forth herein are incorporated herein by reference.

8. This contract may not be assigned or subcontracted by the Hearing Officer to any other person or entity without the written consent of the City.

9. This contract shall not be amended unless in writing expressly stating that it constitutes and amendment to this contract, signed by the parties hereto.

10. Any notice, demand or request required or which may be given hereunder to the respective parties shall be in writing and delivered personally or sent by messenger, telefax, or by air courier service, as follows:

To Hearing Officer:

J. Brian Heller
200 Walnut
Washington, IL 61571

To the City:

City of Pekin
Attn: City Manager
111 S. Capitol
Pekin, IL 61554

Notice shall be deemed given upon delivery or mailing. Changes of address for notice shall be made in compliance with this paragraph.

11. The parties agree that the foregoing document herein referenced constitutes all the agreement between the parties and in witness thereof the parties have affixed their respective signatures on the date first noted.

CITY OF PEKIN.
an Illinois Municipal corporation

By: _____
Its Mayor

ATTEST:

By: _____
Its Clerk

HEARING OFFICER:

J. Brian Heller

HEARING OFFICER AGREEMENT

THIS AGREEMENT entered into by and between the City of Pekin, an Illinois Municipal corporation, a body politic, hereinafter referred to as "City"; and J. Brian Heller, hereinafter referred to as "Hearing Officer", this _____ day of _____, 2005.

WHEREAS, previously J. Brian Heller was appointed as Hearing Officer of the City of Pekin ordinance enforcement department, subject to approval of a written agreement concerning the duties to be performed and compensation to be paid for such position; and

WHEREAS, the position of Hearing Officer of the City of Pekin ordinance enforcement department is not contemplated to involve sufficient time to justify the hiring of a full time employee; and

WHEREAS, the Hearing Officer is an attorney licensed to practice law in the State of Illinois for at least three years; and

WHEREAS, the Hearing Officer has completed or will complete a formal training program applicable to his duties described herein which satisfies the requirements of 65 ILCS 5/1-2.1-4(c).

NOW, THEREFORE, in consideration of the herein stated mutual covenants, promises and undertakings by the parties to this Agreement, it is agreed by and between the parties as follows:

1. The Hearing Officer shall conduct administrative adjudicatory hearings of ordinance violations for the City of Pekin. The Hearing Officer shall perform all of the duties as Hearing Officer required by this Agreement, any applicable requirements of 65 ILCS 5/1-2.1-1, et seq., and any applicable requirements of the City Code of the City of Pekin (collectively the "Applicable Laws").

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4. The City and the Hearing Officer agree and acknowledge that the Hearing Officer's appointment and his performance of his duties hereunder do not create an employer-employee relationship between the City and the Hearing Officer. The Hearing Officer is and shall be an independent contractor for all purposes, solely responsible for the results to be obtained and not subject to the control or supervision of the City regarding the manner and means of performing the services and obligations of this contract, except as provided herein and in the Applicable Laws.

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6. The City shall indemnify the Hearing Officer for all lawsuits arising out of and within the scope of the duties contemplated herein, unless such lawsuits arise out of willful and wanton

conduct or intentional conduct on the part of the Hearing Officer, beyond what is necessary to comply with the terms of this agreement.

7. This contract shall be governed by and interpreted in accordance with the laws of the State of Illinois. All relevant provisions of the laws of the State of Illinois applicable hereto and required to be reflected or set forth herein are incorporated herein by reference.

8. This contract may not be assigned or subcontracted by the Hearing Officer to any other person or entity without the written consent of the City.

9. This contract shall not be amended unless in writing expressly stating that it constitutes an amendment to this contract, signed by the parties hereto.

10. Any notice, demand or request required or which may be given hereunder to the respective parties shall be in writing and delivered personally or sent by messenger, telefax, or by air courier service, as follows:

To Hearing Officer:

J. Brian Heller
200 Walnut
Washington, IL 61571

To the City:

City of Pekin
Attn: City Manager
111 S. Capitol
Pekin, IL 61554

Notice shall be deemed given upon delivery or mailing. Changes of address for notice shall be made in compliance with this paragraph.

11. The parties agree that the foregoing document herein referenced constitutes all the agreement between the parties and in witness thereof the parties have affixed their respective signatures on the date first noted.

CITY OF PEKIN.
an Illinois Municipal corporation

By: _____
Its Mayor

ATTEST:

By: _____
Its Clerk

HEARING OFFICER:

J. Brian Heller

Memo

VIII. 11 & 12.

To: Commissioners
From: Joseph W. Wuellner, Public Works Director
CC: Denny Kief, Sue McMillan, Tim Gillespie, and Ron Sieh
Date: March 23, 2005
Re: Planning Commission Code Change Recommendations

Commissioners,

With the anticipation of annexing property across the river, certain changes to the Light Industrial District (I-1) were necessary. The Planning Commission took action on these at their last meeting and the attached ordinances cover those changes. Along with those changes, they also recommend changing the code for off-street parking to include the provision for support in enforcement being provided by the Police Department.

The changes to the Industrial Zone basically allow all uses permitted in the Agricultural Zone. This will allow those owners who presently farm the land west of the river to continue doing so without it being a zoning issue.

The change to the "Uses Not Included" just expands on those uses not specifically included in particular zone. Those added pertain to the possible uses envisioned for the area west of the river and by designating them as such will require that developers will need to go through Planning to get a special use. This will allow for public input on any proposed developments in this area that are not specifically listed for the zone.

The last code change is for Off-Street Parking enforcement. Because of the number of complaints received for people parking in their front yards that cannot be verified during normal working hours, it was suggested that we enlist the help of the Police Department. This code change will enable the Police to issue violation tags to vehicles, on private property, during the night time hours. It is intended to help in the reduction of violations by actually catching the people in violation and giving them notices. It will provide a positive means of verification, help to create documentation of notices delivered, and ultimately we hope reduce the number of violations.

All of these code changes are on your agenda for the Council Meeting of March 28th.
If you have any questions, please feel free to contact me.

Thanks,

Joe

VIII.13.
14.

Memo

To: Commissioners
From: Joseph W. Wuellner, Public Works Director
CC: Denny Kief, Sue McMillan, and Ron Sieh
Date: March 23, 2005
Re: Mountain Mudd Request

Commissioners,

You will be addressing the Planning Commissions recommendation on the Mountain Mudd request at the next Council Meeting. They have recommended denying that request based on the fact that the proposed location does not meet city codes.

The history of this application goes back many months as you well know. It has been discussed at an earlier Council Meeting and we were directed to look into the matter from a code standpoint. This we did on the issue of the sewer connection. Initially it appeared that the setup of one of these units was not allowable since it did not show a sewer connection to the city system. After research and follow up with all applicable state codes, it was found that we could allow one of these units to operate for up to a year utilizing a holding tank by state law. So no change in city codes was required.

It was my understanding that at that time everyone agreed that the selected location was not acceptable. The requestor stated that there was plenty of room there and re-drew the drawing to show that it fit in this location and asked to go ahead with the request for the special use.

In order to get ahead of all the concerns that putting this unit at this location, the site plan was brought to the Traffic Safety Committee for review and comments. They felt that while it is on private property it could pose a hazard to traffic on UAW Drive. The close proximity of the drive through lanes to the intersection of Parkway Drive and UAW Drive might lead to cars having to stay out on the drive waiting to get through.

The Planning Commission had the same concern but also noted that it did not comply with the required setbacks for a drive through from the right of way line. This is essentially the basis of their decision and recommendation.

There does not seem to be any major concerns over having one of these units if the right location can be found. We can deal with the sanitary holding tank and connection to the city service on a case by case basis as well as compliance with the other state plumbing code requirement for a public accessible bathroom facility for the workers within 300 feet. They just need to find a location that will give them the visibility that they need but won't create a problem with traffic flow and meets setback requirements.

If you have any questions, please feel free to contact me.

Thanks,

Joe

Memo

To: Commissioners

From: Andrew J. Whitaker, City Engineer

111 South Capitol Street

Pekin, Illinois 61554

(309) 478-5373 (Phone) (309) 346-2095 (Fax)

ajwhitaker@ci.pekin.il.us

CC: Pamela Anderson, Sue McMillan, & Joseph Wuellner

Date: March 21, 2005

Re: CDBG Sidewalks and Handicap Ramps- Between Court and Broadway, East of 11th and West of 14th

A Bid Opening was held for the CDBG Sidewalks and Handicap Ramps- Between Court and Broadway East of 11th and West of 14th on March 17, 2005. Two bids were received and they are as follows:

Peoria County Concrete	\$87,610.90
Stark Excavating	\$85,809.50
Estimate	\$74,688.00

The unit prices came in a little higher than the previous sidewalk project unit prices. However it appears that there were no problems with the package and all seemed complete. Therefore, I would recommend that this project be awarded to Stark Excavating for the price of \$85,809.50.

Item No.	Items	Unit	Qty	ESTIMATE		Peoria County Concrete		Stark Excavating	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
	DEMOLITION								
1	Sidewalk Removal	SF	10234	\$1.00	\$10,234.00	\$1.10	\$11,257.40	\$0.75	\$7,675.50
2	Curb Removal	LF	101	\$8.00	\$808.00	\$8.00	\$808.00	\$5.57	\$562.57
	CONSTRUCTION								
1	PCC Sidewalk/Ramp	SF	10298	\$4.00	\$41,192.00	\$4.75	\$48,915.50	\$4.95	\$50,975.10
2	PCC Curb Replacement	LF	117	\$18.00	\$2,106.00	\$30.00	\$3,510.00	\$21.25	\$2,486.25
3	Aggregate Base Course	TONS	187	\$20.00	\$3,740.00	\$20.00	\$3,740.00	\$20.30	\$3,796.10
4	Pavement Patching	SY	41	\$30.00	\$1,230.00	\$45.00	\$1,845.00	\$62.23	\$2,551.43
5	Detectable Warning Surface	SF	264	\$35.00	\$9,240.00	\$40.00	\$10,560.00	\$13.67	\$3,608.88
6	Retaining Wall	LF	279	\$22.00	\$6,138.00	\$25.00	\$6,975.00	\$50.73	\$14,153.67
	ALTERNATE ITEM								
1	Saw Cutting Curb to Shape	LF	As Needed	\$20.00		\$15.00		\$18.97	
				Total	\$74,688.00	Total Base Bid	\$87,610.90	Total Base Bid	\$85,809.50