



# **City of Pekin**

## **AGENDA**

**REGULAR COUNCIL MEETING OF FEBRUARY 27, 2006**  
**5:30 P.M.**

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

*Clerk to Call the Roll*

**IV. APPROVAL OF AGENDA**

*ACTION: Motion to approve the meeting agenda*

**VOTE REQUIRED**

**V. APPROVAL OF MINUTES**

*ACTION: Motion to approve minutes of February 13, 2006*

**VOTE REQUIRED**

**VI. PUBLIC INPUT ON AGENDA ITEMS**

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

**VII. CONSENT AGENDA**

1. **Receive and File Reports and Minutes:** Airport Commission Minutes Dated January 11, 2006
2. **Approve Proclamation: "Young Author's Week" April 3, 2006**  
**"Motorcycle Awareness Month" May 2006**
3. **Receive and File Insight Communications Notice of relocation of 2 channels and addition of 1 channel**
4. **Receive and File Planning Commission Minutes Dated February 8, 2006**
5. **Receive and File Planning Commission Hearings and Recommendations:**
  - a. Hearing #1698 - Special Use to amend Quad Track Expansion be denied
  - b. Hearing #1699 – Amended Site Plan for Quad Track Expansion be denied
  - c. Hearing #1700 – Preliminary Plat Marigold Estates Phase 12 and Rezone Marigold Estates Phase 12 from AG to R-2 be approved

*Action to be taken under New Business.*

*ACTION: Motion to approve consent agenda*

**VOTE REQUIRED TO APPROVE CONSENT AGENDA**

**VIII. COMMUNICATIONS, PETITIONS, REPORTS**

Monthly Financial Report for January 2006  
*Monthly report of the financial condition of the City*

(BR)

**PRESENTATION:** Bob Reis Finance Director

**IX. NEW BUSINESS**

**1. Special Use to amend Site Plan for Quad Track Expansion**

(JW)

**DESCRIPTION:** A Quad Track was proposed for the property on Manito Blacktop just west of Rt 29. Planning Commission recommends that this application be denied.

**ACTION:** Motion to deny the request upon recommendation of the Planning Commission.

**VOTE REQUIRED**

**2. Site Plan Quad Track located on Manito Blacktop**

(JW)

**DESCRIPTION:** The site plan submitted for the Quad Track was reviewed and discussed with the owner by the Planning Commission. Based on what was discussed, the Planning Commission is recommending the site plan not be accepted.

**ACTION:** Motion to deny the request upon recommendation of the Planning Commission.

**VOTE REQUIRED**

**3. Resolution No. 140-05/06 - Preliminary Plat Marigold Estates Phase 12**

(JW)

**DESCRIPTION:** The Planning Commission reviewed the site plan for Marigold Phase 12 and found that it meets all the requirements and recommends that it be accepted.

**ACTION:** Motion to adopt resolution upon recommendation of the Planning Commission.

**VOTE REQUIRED**

**4. Ordinance No. 1568-A161 - Rezoning Marigold Estates Phase 12 from AG to R-2** (JW)

**DESCRIPTION:** The Planning Commission reviewed the plat for Marigold Phase 12 and found that the requested zoning classification complies with the comprehensive plan and fits with the surrounding zoning. They recommend that the rezoning classification be accepted.

**ACTION:** Motion to adopt ordinance upon recommendation of the Planning Commission.

**VOTE REQUIRED**

**5. Agreement with Cincinnati Township for Exchange of Manpower**

(DK)

**DESCRIPTION:** Authorization for the City Manager to enter into an agreement with Cincinnati Township. The Township does some snow control for the City of Pekin in our outlying areas, South 5<sup>th</sup> Street and VFW Road. We do some cleaning of their wet wells in various locations in Shafferville and South Pekin. This agreement does not call for payments between the parties.

**ACTION:** Motion to approve agreement.

**VOTE REQUIRED**

**6. Resolution No. 141-05/06 - 2006 Street Maintenance and MFT Funding (DP)**

**DESCRIPTION:** request the City Council to authorize the use of Motor Fuel Funds, in the amount of \$ 725,000 and CDBG Funds in the amount of \$100,000 for the City of Pekin 2006 Street Maintenance Program.

**PRESENTATION:** Superintendent of Streets David Pagliaro

**ACTION:** Motion to adopt Resolution.

**VOTE REQUIRED**

**7. Ordinance No. 2461 - Amending Title 3 of the Code of the City of Pekin 1995 Regarding the Liquor Code (SB)**

**DESCRIPTION:** continuing process of the Commission to review, correct, and make adjustments to the Liquor Code adopted one year ago.

**PRESENTATION:** Attorney Sue Bosich

**ACTION:** Motion to adopt Ordinance to amend the Liquor Code upon recommendation of the Liquor Commission.

**VOTE REQUIRED**

**8. Ordinance No. 2459 – Amending Title 3, Chapter 2, Section 5 of the Code (DK)**

**DESCRIPTION:** to eliminate the \$0.04/gallon gas tax on E-85 fuel for the purpose of supporting local producers and benefiting air quality

**PRESENTATION:** City Manager Dennis Kief

**ACTION:** Motion to adopt Ordinance

**VOTE REQUIRED**

**X. ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Council members

Staff

Public Questions

Press Time

**XI. EXECUTIVE SESSION**

Sale of Property 5 ILCS 120/2 (c) 6.

Acquisition of Real Estate 5 ILCS 120/2 (c.) 7.

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

**VOTE REQUIRED**

**XII. ADJOURNMENT**

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

**NO VOTE REQUIRED**

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**PROCEEDINGS OF THE REGULAR MEETING  
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,  
HELD IN THE COUNCIL CHAMBERS OF THE CITY HALL  
111 SOUTH CAPITOL STREET  
ON MONDAY, FEBRUARY 13, 2006 AT 5:30 O'CLOCK P.M.  
FRANK M MACKAMAN \* MAYOR \* PRESIDING**

**PRESENT: COMMISSIONERS, BLANCHARD, JONES, MADDOX AND DAGIT**

**ABSENT: NONE**

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The **Pledge of Allegiance** was led by members of the Chamber of Commerce Leadership Academy.

**Roll** was called and all commissioners were present.

**Agenda**

Mayor Mackaman called for a motion on the agenda.

Motion by Com'r. Dagit, seconded by Com'r. Maddox, that the **agenda be amended by removing under New Business, #2. Ordinance No. 2459 – amending Title 3, Chapter 2, Section 5 of the Code of the City of Pekin Regarding motor fuel tax on E-85.** The Mayor explained that additional research was needed on the project to eliminate the .04 cents tax if the ethanol fuel mix is sold. On roll call vote, all present voted Aye.

Motion by Com'r. Dagit, seconded by Com'r. Blanchard, that the **agenda be approved as amended.** On roll call vote, all present voted Aye

Motion by Com'r. Dagit, seconded by Com'r. Jones, that the **Minutes of the Regular City Council Meeting of January 23, 2006 be approved as written.** On roll call vote, all present voted Aye.

**Public Input on Agenda Items**

Denny Vaughn 2102 Marigold Drive addressed Council on the agenda item regarding water acquisition feasibility study. He questioned the Council members regarding the proportional amount of phone calls each member had received from the community voicing opposition or support in spending additional money in pursuit of the water company.

Dan Shipman 1430 Park Avenue expressed concern on the City continuing the water company feasibility. He questioned the total amount of money already spent to date. City Manager Kief explained that the dollar amount was under \$600,000.

**Consent Agenda**

Motion by Com'r. Dagit seconded by Com'r. Jones, that the Consent Agenda be **approved as presented.** Mayor Mackaman presented and read the following items under Consent Agenda.

1. **Receive and File Reports and Minutes:** Electrical Commission, Liquor Commission 12-08-05 and 01-12-06, Pekin Lake Project, LADD, Project Status, Tazewell County Animal Control, Traffic Safety, Building, Wastewater Treatment, TPCCC, Police January Report, and Pekin Police Department 2005 Year End Report
2. **Charitable Solicitation:** Lupus Tag Day Friday, October 6, 2006  
Pekin Girls American Youth Basketball AYBT Tag Days,  
April 6 and April 7, 2006  
AMVETS Post 235 Fund Raiser for Veterans, Boy Scouts, House of Hope  
March 17, March 18, November 10 and 11, 2006
3. **Receive and File Letter of Resignation-Mark Gielarowski Fire and Police Commission**
4. **Resolution No. 135-05/06 - Appointment of Michael Franks to the Fire and Police Commission To fill the unexpired term until First Monday in May, 2008**
5. **Receive and File Pekin Public Library Financial Statements Dated November 21, 2005**

**Illinois State Library Accessibility Construction Grant**  
*Grant used to construct new restrooms.*

**6. Receive and File Bids for Emergency Generator Automatic Transfer Switch  
Wastewater Treatment Plant – Opened February 1, 2006 1:00 p.m.**

On roll call vote, all present voted Aye.

**Communications, Petitions, Reports**

**APPLICATION FOR APPOINTMENT TO CITY OF PEKIN COMMITTEES, BOARDS, OR COMMISSIONS**

Mayor Mackaman presented the new process for residents to use to apply for appointments. He explained that there were over 135 opportunities for citizens to get involved and serve the community. He announced vacancies presently on a few of the committees and advised that the application was available at City Hall or on the City home page.

A **Public Hearing** was opened by Mayor Mackaman at 5:48 p.m. for the purpose of discussing the sale of municipally owned property to Velde SuperCentre, Inc being part of Pekin Edgewater Park NW corner Lot 28 and known as Brenkman Drive and Rt 29, PIN #04-04-23-300-007. The 2800 sq ft of frontage road was determined to be excess right-of-way and not needed by the City. A legal notice was properly posted in the *Pekin Daily Times* on January 18, 2006. Persons were given the opportunity to be heard. There were no comments received from the public. The hearing was closed at 5:49 p.m.

**New Business**

**ORDINANCE NO. 2458**  
**AUTHORIZING THE SALE AND TRANSFER OF**  
**MUNICIPALLY OWNED REAL PROPERTY**  
**VELDE SUPERCENTRE, INC.**

Motion by Com'r. Dagit, seconded by Com'r. Jones, that Ordinance No. 2458 be adopted. The agreement stated the conditions and obligations of the City and the new auto dealership regarding the purchase and utilization of .065 acres of property fronting Auto Row in the amount of \$2,850.00 for the construction of additional auto space. On roll call vote, all present voted Aye.

Motion by Com'r. Jones, seconded by Com'r. Dagit that the City **CONCUR WITH THE RECOMMENDATION OF THE ILLINOIS DEPARTMENT OF TRANSPORTATION TO AWARD THE CONTRACT FOR THE IMPROVEMENT AT PARK AVENUE AND 14<sup>TH</sup> STREET INTERSECTION TO THE LOW BIDDER R A CULLINAN AND SON, INC.** in the amount of \$329,980.50. Public Works Director Joe Wuellner advised Council that additional funding was required on the project after learned the State low bid on January 20, 2006 was \$80,000 over estimate. It was determined the difference was due to higher asphalt prices. Com'r. Blanchard expressed concern that the excess was too much and the money could be spent wiser in other city street locations. Other Council members spoke in support of continuing the project because of it's importance in moving traffic, reducing backups onto Court Street, and for public safety. On roll call vote, Jones, Maddox, Dagit, Mackaman, Aye: Blanchard, Nay. Motion Carried.

**RESOLUTION NO. 136-05/06**  
**ALLOCATIONG MFT FUNDS FOR PARK AVENUE @ 14<sup>TH</sup> STREET PROJECT**  
Motion by Com'r. Jones, seconded by Com'r. Dagit, that Resolution No. 136-05/06 be adopted. Mr. Wuellner informed Council that the total project of \$330,000 was funded approximately 50% Federal and 50% City, based on the original \$250,000 estimate. Total MFT funding amounted to \$155,750.00. On roll call vote, Jones, Maddox, Dagit, Mackaman, Aye: Blanchard, Nay. Motion Carried.

Motion by Com'r. Jones, seconded by Com'r. Dagit that the **ENGINEERING AGREEMENT WITH MAURER-STUTZ FOR BROADWAY & PARKWAY DRIVE INTERSECTION PROJECT** be approved in an amount not to exceed \$37,100.00. Mr. Wuellner then briefed Council on contract proposal to complete the construction design drawings and specifications for this project. He recommended the project, which was scheduled to bid early next year because it would improve traffic flow. On roll call vote, all present voted Aye.

**RESOLUTION NO. 137-05/06**  
**ALLOCATIONG MFT FUNDS FOR BROADWAY @ PARKWAY DRIVE**  
**INTERSECTION PROJECT**

Motion by Com'r. Jones, seconded by Com'r. Maddox, that Resolution No. 137-05/06 be adopted. The resolution would approve the allocation of MFT dollars to cover the Maurer-Stutz contract. On roll call vote, all present voted Aye.

**ORDINANCE NO. 2460**  
**AMENDING TITLE 10 OF THE CODE OF THE CITY OF PEKIN 1995**  
**REGARDING SUBDIVISIONS**

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 2460 be adopted. The amendment changes the number of documents and computer media required to be filed with preliminary and final plats, definitions, and general housekeeping. The action would be an attempt to cut down on paper by requiring that developers provide plat information on disc. On roll call vote, all present voted Aye.

**ORDINANCE NO. 1462-A249**  
**AMENDING TITLE 8 OF THE CODE OF THE CITY OF PEKIN 1995**  
**REGARDING HANDICAPPED SPACES**

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 1462-A249 be adopted. Com'r. Blanchard explained that the following three ordinances were presented as recommendations of the Traffic Safety Committee. The ordinance amended the list of areas designated as handicapped parking to agree with the locations and number of signs on the streets and added municipal parking lots. On roll call vote, all present voted Aye.

**ORDINANCE NO. 1462-A250**  
**AMENDING TITLE 8 OF THE CODE OF THE CITY OF PEKIN 1995**  
**REGARDING STOPS AND THROUGH STREETS**  
**IN DEERFIELD SUBDIVISION**

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 1462-A250 be adopted. The change to the traffic code designated Petri Lane and Deerfield as through streets and designated traffic stops on Buckhaven at Fawnridge and Meadow Lane at Buckhaven. This action was a recommendation of the Traffic Safety Committee originally from a request for a stop on Deerfield. After review the members saw the need to consider the entire new development. On roll call vote, all present voted Aye.

**ORDINANCE NO. 1462-A251**  
**AMENDING TITLE 8 OF THE CODE OF THE CITY OF PEKIN 1995**  
**REGARDING NO PARKING SCHEDULE**  
**7<sup>TH</sup> STREET @ DERBY STREET**

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 1462-A251 be adopted. The ordinance amended the No Parking Schedule to reduce the no parking distance 50' north of Derby Street, east side. This action was a recommendation of the Traffic Safety Committee. Com'r. Jones questioned the necessity when the no parking was originally enforced for safety reasons in the area of Ernie's Restaurant. It was noted the handicapped resident on 7<sup>th</sup> Street no longer lived in the area. On roll call vote, Blanchard, Maddox, Dagit, Mackaman, Aye: Jones, Nay. Motion Carried.

Motion by Com'r. Maddox, seconded by Com'r. Blanchard that the bid in the amount of \$68,517.00 for the **SEWER TREATMENT PLANT TRANSFER SWITCH BE ACCEPTED AND THE CONTRACT BE AWARDED TO ENERCON ENGINEERING, Inc.** Action by Council was recommended to award the contract to ENERCON Engineering, Inc. in the amount of \$68,517. The alternate bid includes the complete automatic transfer switch at the Wastewater Treatment Plant including start-up assistance and training. On roll call vote, all present voted Aye

**RESOLUTION NO. 138-05/06**  
**CITY OF PEKIN EMPLOYEES SUBSTANCE ABUSE POLICY**

Motion by Com'r. Maddox seconded by Com'r. Dagit, that Resolution No. 138-05/06 be adopted. The Resolution approved the drug and alcohol policy to comply with reporting requirements of the Federal Transportation Association. On roll call vote, all present voted Aye.

**RESOLUTION NO. 139-05/06**  
**AGREEMENT FOR FEASIBILITY STUDY OF WATER UTILITY ACQUISITION**

Motion by Com'r. Maddox seconded by Com'r. Jones, that Resolution No. 139-05/06 be adopted. City

Manager Dennis Kief presented to Council the resolution authorizing an agreement with the Cities of Pekin, Champaign, Urbana, and the Board of the University of Illinois to share 20% costs of a study not to exceed \$100,000 to evaluate the feasibility of acquiring the Water Company's assets and other alternatives. Corporation Counsel Burt Dancey explained the agreement did not authorize the purchase of the company but the study would consider placing the cities attempts on a fairer playing field by taking out the Illinois Commerce Commission's role in acquisition. The legislative change would require lobbying at the State level. Discussion followed. Com'r. Blanchard and Com'r. Dagit expressed opposition to spending additional money. Com'r. Dagit recommended waiting for the House Bill to pass on merits of its own. Com'r. Jones and Com'r. Maddox spoke in support of continuing the efforts of the City to look at options. Mayor Mackaman spoke that the investment for the study would provide accurate information to push the City's case. On roll call vote, Maddox, Mackaman, Jones, Aye: Blanchard, Dagit, Nays. Motion Carried.

#### **ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Mayor Mackaman announced that the City had received \$50,000 grant through the efforts of Senator Shadid and Mayor Lyn Howard to be used for a self contained patching machine.

Com'r. Blanchard expressed appreciation for the concern shown by Police Officer Guerra during a recent police call involving a 14-year-old boy. He also thanked the IT employees for their work. Com'r. Blanchard requested that the Attorneys prepare and ordinance that provided for the employment of the Police Chief and the Fire Chief under the control of the Council not the City Manager.

Com'r. Jones expressed his concern that an ordinance would be drafted to amend the Code to place the Police or Fire Chiefs under the direction of the City Council. He felt the majority of citizens voted in agreement with the Manager Form of Government. Having the hiring and firing all department potions under the manager took the politics out of government.

Com'r. Jones noted that junk cars were still noticeable throughout the City.

John McCabe 1407 Glendale addressed Council regarding the function of the PPUATS committee for review of transportation issues.

Denny Vaughn 2102 Marigold Drive expressed concern that the Council was not listening to what the citizens were saying in opposition of purchasing the water company.

Marg Melchers 1821 Highwood told Council she represented concern citizens of Sunset Hills, Cincinnati Township and Gloriann Acres who wanted to express that they were concerned that development was allowed to occur on the Sunset Hills Executive 9 before the terms of agreement were met on the upper and lower damns.

Dan Shipman stated that it was sad that citizens did not have the change to express their views before voting on the action to authorize the feasibility study of the water utility acquisition.

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

Motion by Com'r. Maddox, seconded by Com'r. Dagit that Council move to **Executive Session** at 6:50 P.M. to discuss Acquisition of Real Estate 5 ILCS 120/2 (c ) 7 and Sale of Property 5 ILCS 120/2 (c ) 6. On roll call vote, all present voted Aye. The Council returned to open session. The Mayor received consensus from Council members reschedule the first Planning Session to Tuesday, March 7, 2006.

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

**COUNCIL ADJOURNED AT 7:25 P.M.**

Sue E. McMillan  
City Clerk

City of Pekin  
Airport Commission Meeting Minutes  
January 11, 2006

Commissioners: Present – Peter Kalman, Charles Thomas, & Lillard Hedden  
Attendees: Joe Wuellner, Murray Brian, & Ken Gresham

Chairman Kalman opened the meeting at 3:00pm.

Old Business:

1. Mr. Wuellner reported that the city attorney said that if we wanted a lease longer than two years it would have to be publicly bid. He also recommended that the per acre charge needed to be raised and felt that \$75.00 would be appropriate. The commission discussed it and agreed to go with a two year lease at \$75 per acre. It was also discussed that when this one came due to look into getting someone who would farm it and also do the mowing.
2. Mr. Kalman stated the he had tried to contact Mr. Rhodes to discuss the mowing service but had not received a call back. Mr. Wuellner stated that he has not received a call from him either. It was decided to send him a letter to requesting that he contact us on his plans for this summer and the rate that was agreed upon.
3. Mr. Wuellner updated the commission on the information provided by CMT for the hangar doors. They say that it will cost \$9,000 per door for the “T” hangars and \$20,000 for the big hangar. This would exceed the amount budgeted and will have to see what the actual bids come in it and determine what to have done this year. The electrical upgrades will not be a part of this package and will be looked at later.

New Business:

1. Mr. Gresham was in to discuss the condition of the large hangar. He stated that the roof leaks, the personnel door does not lock properly, the big door does not function all the time and has large openings that lets birds get in, and the floor is slick from the oil leak of the Beech aircraft. Said he feels that for the price he would rather be in one of the “T” hangars if one comes available. Mr. Thomas stated that this hangar should be fixed up as it is a valuable asset and not many are available in this size.

Mr. Kalman explained the situation with the Beech and that we are in the process of trying to get the owners to clean it up. It was discussed about possibly moving further back in the hangar to give Mr. Gresham more room.

The large door has been looked at in conjunction with the other hangar doors and replacing it will determine on the bids that are received. (I looked at this door also and there might be a few quick, inexpensive things done to try and control the birds and seal some of the cracks. I will prepare something for next meeting.) It was requested that Mr. Wuellner look at the personnel door and see what needs to be done. (I looked at the door and it needs to be replaced, so I will contact someone and get an estimate.)

The roof was done 5 years ago and probably needs to be looked at again. Concerns were expressed over the condition of the metal itself and it was decided to have someone look at it before looking into getting it sealed again. Mr. Wuellner will contact CMT to see if they can provide this service. Once this has been determined, roofers will be contacted about sealing it. Options will be asked for to see what will be the best method to ensure a longer life.

#### General Discussion:

Mr. Kalman asked Mr. Brian if there was another location he could store the large tanks along side his hangar. He feels that they should not be in view of planes that are landing at the airport. Mr. Brian said that he would take care of the tanks. It was mentioned that there were pallets there also and Mr. Brian stated that they were not his. Mr. Wuellner asked what condition they were in that they might be able to use them at the city. No one knew for sure so he will take a look at them and decide.

No other business came before the commission and the meeting was adjourned at 4:10 PM.

Next meeting will be March 8, 2006 at 3pm.

**WHEREAS**, Young Authors is a District-wide program and in its nineteenth year in our Pekin Elementary Schools, District No. 108; and

**WHEREAS**, over 3500 students, kindergarten through eighth grade, have an opportunity to participate and to write their own books; and

**WHEREAS**, this program entails teachers using District writing assignments and helping students turn those assignments into books, illustrated, laminated, and bound, to give each student a lasting memento; and

**WHEREAS**, 150 District representatives were chosen for the Young Authors District Conference which is being held in the auditorium at Washington Intermediate School on Monday, April 3rd, with the children's books on display; and

**WHEREAS**, eight representatives will be selected to represent District 108 at the State Young Authors Conference at Illinois State University on Saturday, May 20th, 2006.

**WHEREAS**, the staff and parents of District 108 deserve recognition for their many hours of direction and encouragement;

**NOW, THEREFORE, BE IT RESOLVED** that I FRANK MACKAMAN, Mayor of the City of Pekin, Tazewell County, Illinois, do hereby proclaim the week of April 3rd, 2006, to be

**"YOUNG AUTHORS WEEK"**

in the City of Pekin, Tazewell County, Illinois, and ask the citizens of our community to join in paying special recognition to all of our young writers of today.

**ADOPTED**, this 13th day of February, in the Year of Our Lord, Two Thousand Six.

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FRANK H. MACKAMAN  
Mayor

ATTEST:

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SUE E. McMILLAN  
City Clerk

**WHEREAS**, safety is the highest priority for the highways and streets of our city and state; and

**WHEREAS**, the great state of Illinois is proud to be a national leader in motorcycle safety and motorcycle education; and

**WHEREAS**, motorcycles are a more common and economical means of transportation that reduces fuel consumption and road wear, and contributes in a significant way to the relief of traffic and parking congestion; and

**WHEREAS**, it is especially meaningful that the citizens of our city and state be aware of motorcycles on the roadways and recognize the importance of motorcycle safety; and

**WHEREAS**, the motorcyclists of A.B.A.T.E. of Illinois, Inc. (A Brotherhood Aimed Toward Education) continually promote motorcycle safety, education and awareness to high school drivers' education programs and to the general public in our city and state, presenting motorcycle awareness programs to over 100,000 participants in Illinois in the past four years alone; and

**WHEREAS**, all motorcyclists should join A.B.A.T.E. of Illinois, Inc. in actively promoting the safe operation of motorcycles as well as promoting motorcycle safety, education and awareness to the citizens of our city and state; and

**WHEREAS**, the motorcyclists of Illinois have contributed extensive volunteerism and money to national and community charitable organizations for the enhancement and support of these organizations; and

**WHEREAS**, during the month of May, all roadway users should unite in the safe sharing of the roadways within the City of Pekin, and throughout the great State of Illinois:

**NOW, THEREFORE, BE IT RESOLVED** that I, FRANK H. MACKAMAN, Mayor of the City of Pekin, Tazewell County, Illinois, in recognition of the 19<sup>th</sup> Anniversary of the efforts of A.B.A.T.E. of Illinois, Inc. and the other 558,000 registered motorcyclists statewide, and in recognition of the continued role Illinois serves as a leader in motorcycle safety, education and awareness, do hereby proclaim the month of May, 2006, as

**"MOTORCYCLE AWARENESS MONTH"**

in the City of Pekin, Tazewell County, Illinois, and urge all motorists to join in an effort to improve safety and awareness on our highways.

ADOPTED, this 27<sup>th</sup> day of February, in the Year of Our Lord, Two Thousand Six.

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FRANK H. MACKAMAN  
Mayor

ATTEST:

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SUE E. McMILLAN  
City Clerk

received

2/13/06 DK

2/27/06 Age-R4



Insight Communications • 3517 N. Dries Lane • Peoria, IL 61604 • Main 309.686.2600 • Fax 309.688.9828

February 10, 2006

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

Dear City Manager Kief,

In our continuing effort to keep you informed, I am writing today to let you know that Insight Communications will be relocating 2 channels and have added one channel in our existing lineups and tiers of service on March 15, 2006.

- **WAOE** will move to channel 11
- **PAX** will move to channel 14
- **Create** was added on channel 141 in January

As always, we at Insight appreciate the opportunity to serve our customers in Peoria and the surrounding communities. We remain committed to providing not only leading-edge technology and superior customer service, but also to making contributions to education and our community at large. Please do not hesitate to contact me at 309-686-2612 if you should have any further questions regarding these changes.

Sincerely,

A handwritten signature in black ink, appearing to read "John Niebur".

John Niebur  
District Vice President

Pekin Planning Commission Minutes  
February 8, 2006

Present:

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

Absent:

Sue Ramirez  
Michelle Holder

Staff Present: Joe Wuellner, Ron Sieh and Attorney Bosich

Chairman Don Hild led the Pledge of Allegiance.

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

Chairman Don Hild asked for approval of the Agenda.

**MOTION** by Ron Knautz, Seconded by Bob Schroeder to approve the agenda. On roll call vote, all present voted **AYE. MOTION APPROVED.**

Chairman Don Hild asked for approval of the minutes.

**MOTION** by, Bob Schroeder seconded by Ron Knautz that the minutes be approved for the January 11, 2006 meeting. On roll call vote, all present voted **AYE. MOTION APPROVED.**

**City Council Action Report:** All Hearings presented to City Council were approved as follows:

Hearing #1696 & 1697/Special Use and Site Plan for a Used Car Lot located at 312 Derby Street.

**PPC Correspondence:** Two letters were sent out in regards to Hearing #1. No Correspondence received.

**Applications and Hearings:**

**Application #1:** Charles Williams, Chuck's Quad Track Expansion, Owner

**Hearing #1: Special Use to amend the Site Plan for a use not included in a specific use district for Chuck's Quad Track Expansion located on Manito Blacktop with ID# 10-10-09-400-022 in an I-2 (Heavy Industrial District).**

**Open Public Hearing: 6:32PM**

Jeff Todd, resident and owner of Pekin Pottery at 13584 E Manito Rd stated his concerns with this business. He has resided at this property since the early 80's. His main concerns are the four wheelers that surround his home and the amount of dust and dirt that invade his property and swimming pool.

Doug Payne inquired if they adhere to the scheduled hours of business.

Jeff Todd responded sometimes they do and other times they are there after hours, especially during the summer.

Rick Butler, owner of Pekin Hardwood at 13587 E Manito Rd stated the following concern and suggestion. The dust and dirt is covering his products and machines since the warehouses are open on his property. Suggested that some type of sprinkler system be put in to eliminate the amount of residue that is stirred up by the vehicles.

Chuck Williams, owner of Chuck's Quad Track was present for questions and stated his case. Mr. Williams stated he has plans for more watering systems. Mr. Williams stated Mr. Todd's home is located in the Heavy Industrial Area and Powerton also emits Black Coal Dust and Fly Ash. No riding has taken place near Mr. Todd's home with the possible exception of Mr. Williams's family after hours. The purpose of putting the parking lot around the house is to eliminate riding in that area.

Don Hild asked what has been done since the last Special Use and Site Plan was approved in April '2004.

Mr. Williams responded that what was presented two years ago was basically fact finding and exploratory to see if Pekin would be receptive to this business. Since the first site plan, he became aware of a danger at the first entrance by the viaduct, where the traffic comes through at excessive speeds. The new Site Plan allows for better visibility of oncoming traffic in both directions.

Jim Bradshaw inquired about the Site Plan presented two years ago that showed (5) five distinctive tracks. Asked if any of the tracks had been finished.

Mr. Williams responded that nothing had been completed.

Jim Bradshaw asked for confirmation that no improvements have been made to the property in the last two years as shown on the previous Site Plan.

Mr. Williams confirmed that was correct.

Ralph Brower asked about the plans for the parking area.

Mr. Williams responded that he has no intentions of hard surfacing the parking area due to safety issues with the ATV's.

Jim Bradshaw asked about the camping area that was planned.

Mr. Williams responded he is not planning on the camping area. He referred to the time constraints that Pekin has on completion of projects and stated the County allows you to add as you improve without revision of the original Site Plan.

Bob Schroeder stated that other than the poorly defined parking area and entrance on the new Site Plan it does not show any type of improvement (water hydrants, restroom facilities or any type of track facilities). He felt the definition of the current Site Plan did not depict the development of the property as the April '2004 Site Plan did.

Mr. Williams said the riding area marked on the new Site Plan encompasses all that is not the parking area.

Jim Bradshaw and Bob Schroeder commented that there is no longer a plan for the Business. The customers just unload and ride.

Mr. Williams agreed. Then he stated that he hopes to develop tracks, restrooms, a shop and a concession stand at a later date.

Bob Schroeder questioned someone just having a piece of land and making improvements as they see fit without a Site Plan.

Don Hild stated that there really are no provisions in the code for this type of business. If it is commercial restroom facilities are required.

Bob Schroeder asked what designated a commercial. Asked if this was free access.

Mr. Williams stated there is a fee. The customers' pay for use of either side at a camping trailer he has set up on the North East side of the road. He has obtained the property on both sides of the road.

Don Hild asked if this was included in the I zone.

Ron Sieh responded that racetracks fell under uses not included in the I zone because they did not fall in a specific use district.

The minimum requirement for this business is restroom facilities, which was included in the last Site Plan. Also the fire department had a concern about having a 24' wide access road for fire apparatus with a fire hydrant or a well be put in or something just in case of an accident or fire out there. Both of these concerns were on the checklist and are in the minutes from the April '2004.

Ralph Brower asked about the South side property parking. He asked if it was hard surfaced and if not where did the people park.

Mr. Williams replied that it was not hard surface and the people park in the lower flood plain area, which is a dirt parking area (and or restroom facilities) on that side. People can access either side of the road through a box culvert under the road.

#### **Close Public Hearing: 6:52PM**

Special Use Review Chairman, Ralph Brower stated it was approved in April '2004 for this property. There were problems brought to the commissions' attention that were not presented at the last meeting. One is the dust and dirt for the resident and business in this area not to

mention what is in the highway of passing motorists. This has an impact on the up keep and value of the neighboring properties.

#### Comments and Discussion:

Jim Bradshaw stated that last springs Site Plan was impressive and would be a nice facility that was needed in this area. Now there is just an open area with no plan. Supports the recommendation not to approve this Special Use.

Ron Knautz agreed and stated he was not in attendance at the previous hearing. He stated nothing has been done to this property since the last hearing. It is a piece of property with proposals that are not in place. A hard plan with paving and a sprinkler system needs to be in place to minimize the dirt and dust for neighboring properties.

Don Hild asked why the neighbors were not notified at the last meeting.

Ron Sieh stated that they are not in the City and that is why they were not notified the last meeting.

Don Hild continued to say it has been two years and little or anything has been done with what was proposed two years ago. He agreed with the recommendation to deny.

Bob Schroeder agreed with the recommendation. His main concern is the residence and the safety concern for them. They need to be afforded some type of privacy from the business's noise, dirt, dust and any type of disaster that might happen. The parking lot and access road need to be hard surfaced, safe and accessible for emergency vehicles.

**MOTION** by Ralph Brower as a committee recommendation to deny the Special Use for Chuck's Quad Track Expansion located on Manito Black top in an I-2 Zone under special uses not included to the Pekin City Council On Roll Call vote, All present voted **AYE**.  
**MOTION APPROVED.**

Site Plan Review Chairman, Bob Schroeder stated the sub-committee looked at the Site Plan and basically for the same reasons as the Special Use concerns, there needs to be some restroom facilities and plumbing.

**MOTION** by Bob Schroeder as a committee recommendation to deny the Site Plan for Chuck's Quad Track Expansion located on Manito Black top in an I-2 Zone to the Pekin City Council On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

Chairman Don Hild recommended the petitioner attend the City Council meeting on February 27, 2006 at 5:30PM in the Council Chambers, as the Planning Commission is only a recommending body.

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**Application #2:           Mike Hadden, Owner**

**Hearing #2:       Preliminary Plat for Marigold Estates, Phase (12) Twelve and rezoning for AG (Agriculture District) to R-2 (One Family Residential).**

**Open Public Hearing: 7:02PM**

Mike Hadden was present for questions.

**Close Public Hearing: 7:03PM**

Preliminary Plat Review Chairman, Dick Jost

**MOTION** by Dick Jost as a committee recommendation to approve the Preliminary Plat for Marigold Estates Phase 12 to the Pekin City Council On Roll Call vote, All-present voted **AYE**. **MOTION APPROVED**.

Rezoning Review Chairman, Doug Payne turned the rezoning over to the commission.

**MOTION** by Doug Payne, seconded by Ralph Brower to approve the rezoning of Marigold Estates Phase 12 from AG (Agriculture District) to R-2 (One Family Residential District) On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

Chairman Don Hild recommended the petitioner attend the City Council meeting on February 27, 2006 at 5:30PM in the Council Chambers, as the Planning Commission is only a recommending body.

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## Informal Discussion: Policy and Procedures

Ron stated that there is nothing in the code in reference to Marinas and associated parking. The City has been approved for a Marina at the Riverfront. Information is going to be compiled from other Cities so the Commission can use it as a guide in developing a Marina/parking Code for the City of Pekin.

LED Signs is another problem that needs addressed. Most communities limit color, time and frequency on the flash. There is a major concern around stoplights. A blanket code is needed, as the focus cannot be on just stoplights. Information from other communities will be helpful in developing a code.

Chairman, Don Hild questioned the authority the Commission has over Site Plans when deciding on rezoning. The Commissions main concern is when a Site Plan is presented and the Site Plan is not followed once the zoning is approved.

Ron Sieh stated that a Site Plan is not required on rezoning.

Sue Bosich stated that legally the Commission couldn't request a Site Plan. They can only request what is going to be built.

Ron Sieh stated the Commission would need to come up with some rules and procedures as to what is required of rezoning, special use requests and etc. in the future.

Don Hild asked that what the Commission can legally ask for be researched for the next meeting so rules and procedures can be adopted for future rezoning requests. Don added concerns about annexations and rezoning.

Ron Sieh stated the Commission decided not to zone properties until they knew what was going on a property in case buffers were needed.

Joe Wuellner asked who was on the Policy, By-Laws and Membership Committee.

Ralph Brower, Chairman stated he and Michele Holder.

Joe Wuellner recommended a third person be assigned.

Chairman, Don Hild appointed Jim Bradshaw.

**MOTION** by Ron Knautz to adjourn the meeting.

Meeting adjourned at 7:45pm.

Juanita VanBuskirk, Secretary  
Pekin Planning Commission

Pekin Planning Commission  
February 8, 2006

**HEARING #06-1698**

The Pekin Planning Commission recommends denial of the **Special Use for Chuck's Quad Track Expansion** located on **Manito Black top** in an **I-2 Zone** under **special uses not Included** to the Pekin City Council.

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Don Hild, Chairman

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Dick Jost, Vice-Chairman

Pekin Planning Commission  
February 8, 2006

**HEARING #06-1699**

The Pekin Planning Commission recommends denial of the  
**Site Plan for Chuck's Quad Track Expansion located on  
Manito Black top** to the Pekin City Council.

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Don Hild, Chairman

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Dick Jost, Vice-Chairman

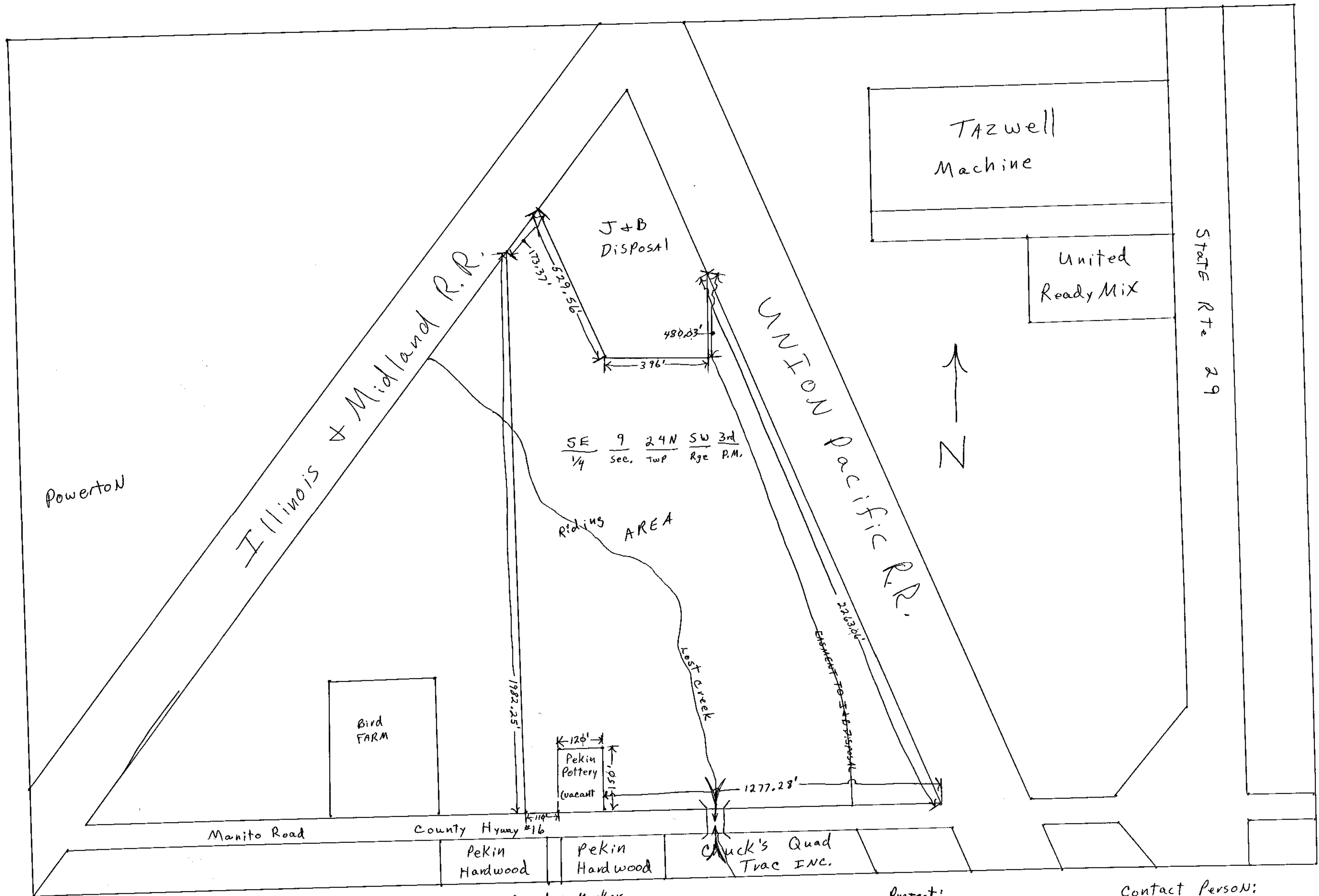
**Pekin Planning Commission  
February 8, 2006**

**HEARING #06-1700**

The Pekin Planning Commission recommends to approve, the Preliminary Plat for Mike Hadden, Owner of property known as Marigold Estates Phase (12) Twelve and the rezoning of said property from AG (Agriculture District) to R-2 (One Family Residential District) to the Pekin City Council.

\_\_\_\_\_  
Don Hild, Chairman

\_\_\_\_\_  
Dick Jost, Vice-Chairman

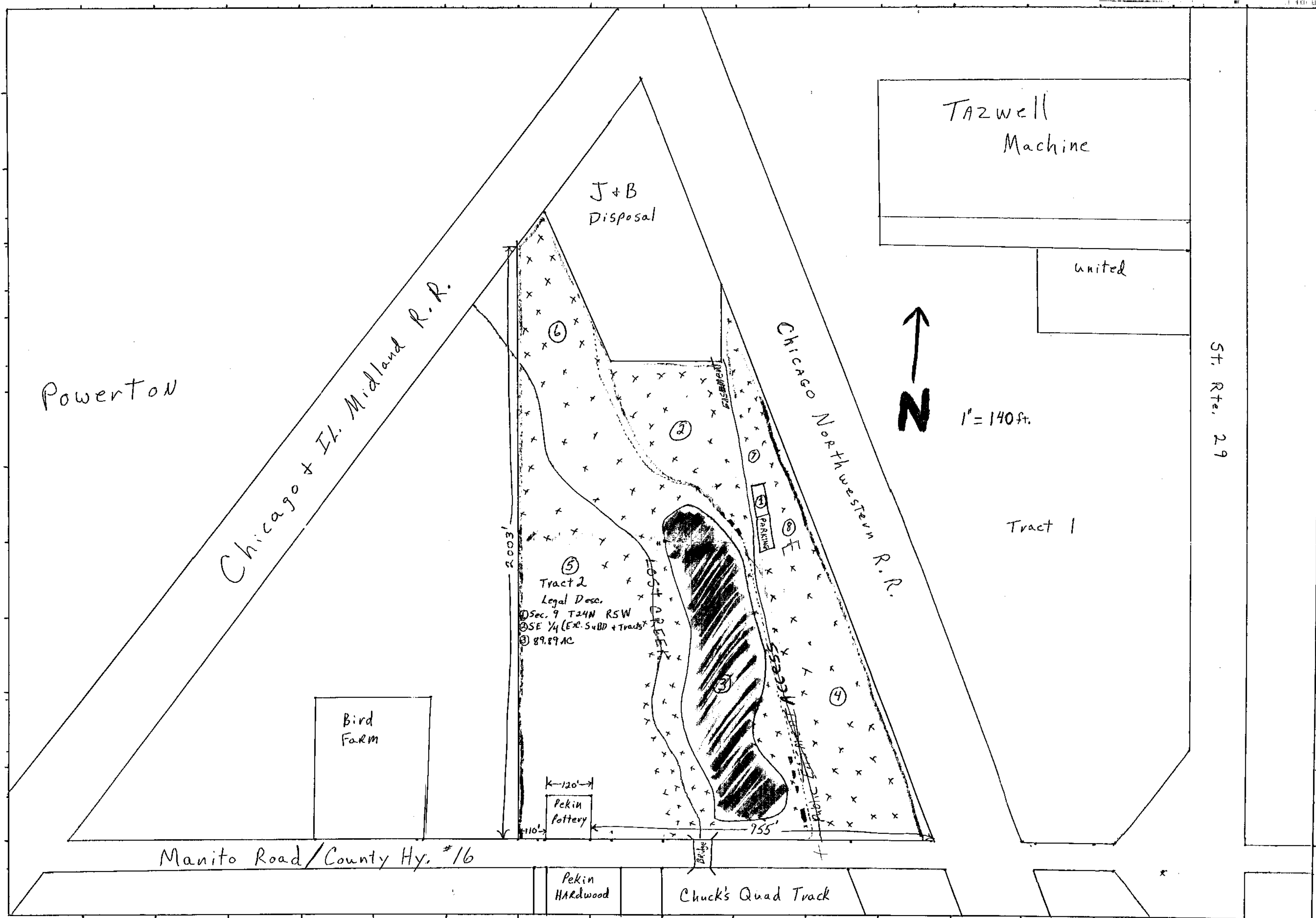


DATE 1-16-06  
 P.I.N. 10-10-09-400-022  
 47.42 Acres  
 Zoned E1  
 Scale 1"=100'  
 All Natural Vegetation

Project:  
 Chuck's Quad Trac Expansion

Due to Dirt Issues → not fully understood when this was first done before them in March 05  
 at that time it showed specific layout for tractor, hydrant, parking, entrance,  
 etc. now just - parking area if no confirmed designated riding areas.

Contact Person:  
 Charles R. Williams  
 11306 Ropp Road  
 Tremont, IL. 61568  
 309-925-7481



- ① Office, storage, restroom facilities
- ② Patron camping
- ③ Paved, Changeable race course
- ④ Motorcross track
- ⑤ Full size 4x4 track
- ⑥ wooded hare scramble track
- ⑦ well
- ⑧ Septic

4ft. Chain link fence  
 3ft Wire Boundary marker fence  
 Flood Plain  
 XXXX Naturally Wooded Area  
 XXXX 56N 4E8

Contact Person  
 Charles Williams  
 11306 Ropp Rd  
 Tremont, IL 61568  
 (309) 925-7481

Drawing #1  
 Chuck's Quad Track (expansion)  
 west 1/2 Property #10-10-9-100-019



# *City of Pekin*

Finance Department

TO: Mayor Mackaman, Council Members: Blanchard, Dagit, Jones and Maddox

FROM: Robert A. Reis, Sr., Finance Director

SUBJECT: January, 2006 Monthly Financial report

DATE: February 17, 2006

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Attached is a summary of the City's finances as of January 31, 2006. Overall, the City has continued to improve its financial position during fiscal 06. Net income for General Operations increased \$133,000 in January and \$318,000 for General Operations Plus. These increases are reflected in cash and investments increasing \$212,645 and \$733,893 respectively.

As of January 31, the City is three quarters (75%) of the way through the fiscal year. Revenues are at 77% of budget while expenditures are at 68%. The spread for general operations is slightly better, 78% for revenues and 66% for expenditures.

## Revenues

Through January 31, 2006, nine months through fiscal 2006, revenues continue to exceed budget.

While most tax revenues are exceeding budget projections and several others will come in at budget, the State TIF Sales tax, while not a major revenue source overall, looks to be below the budgeted \$225,000 by approximately 25%. Our other taxes all appear to be 5% or better ahead of projections

The TIF sales tax decline appears to be caused by the evolution of downtown from retail to service oriented businesses which generate less sales tax. This will probably also affect the city portion as well, making the property tax the major funding source for future TIF revenues.

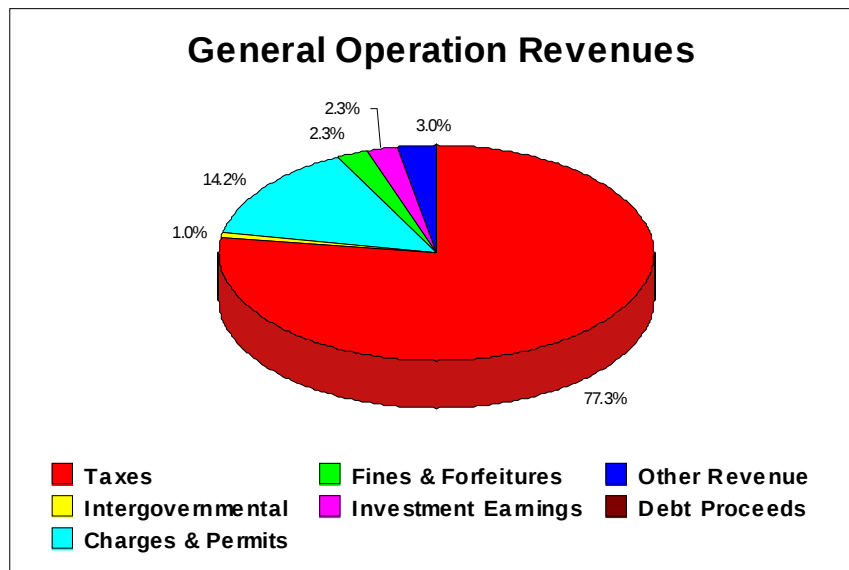
## Expenditures

Expenditures continue to run below budget, primarily in the General Operations Plus area. This is primarily due to lack of spending for budgeted capital items. As the Veterans Drive project proceeds, probably in the next fiscal year, capital spending will take off.

General Operations, budgeted at \$10.8 million for fiscal 2006, are currently running approximately \$300,000 under budget through January 31. Two factors: (1) the second three payroll month has yet to occur; (2) the mild winter has resulted in lower-than-budgeted snow removal costs.

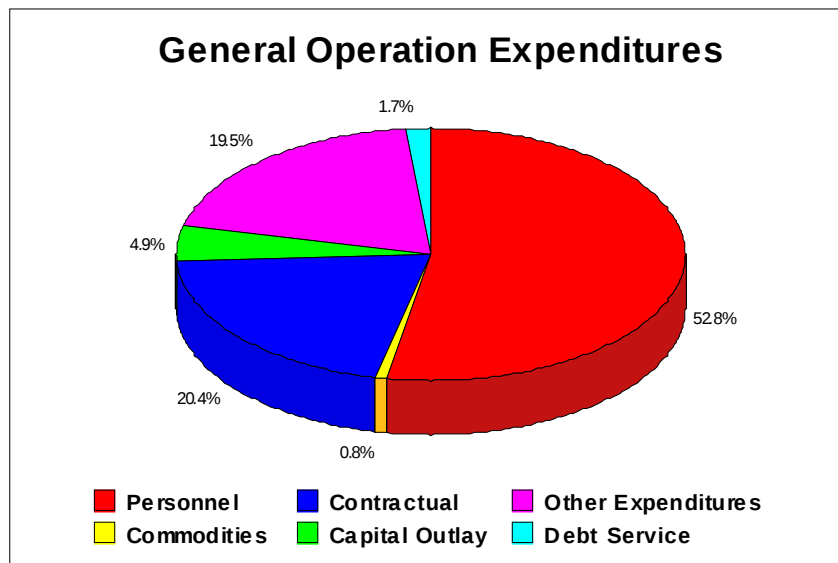
## Financial Performance Fundamental

This month we will concentrate on the revenues for the General Operations portion of the budget. General Operations consist of Fire and Police protection, streets maintenance, and solid waste services (garbage, recycling and yard waste).



These essential services are funded primarily by taxes (77.3%). Sales and use taxes make up 58.3% of the total tax revenue devoted to General Operations. In contrast to property taxes, sales and use taxes are more unpredictable. Many communities establish a dedicated revenue source for solid waste - - Pekin has not done so.

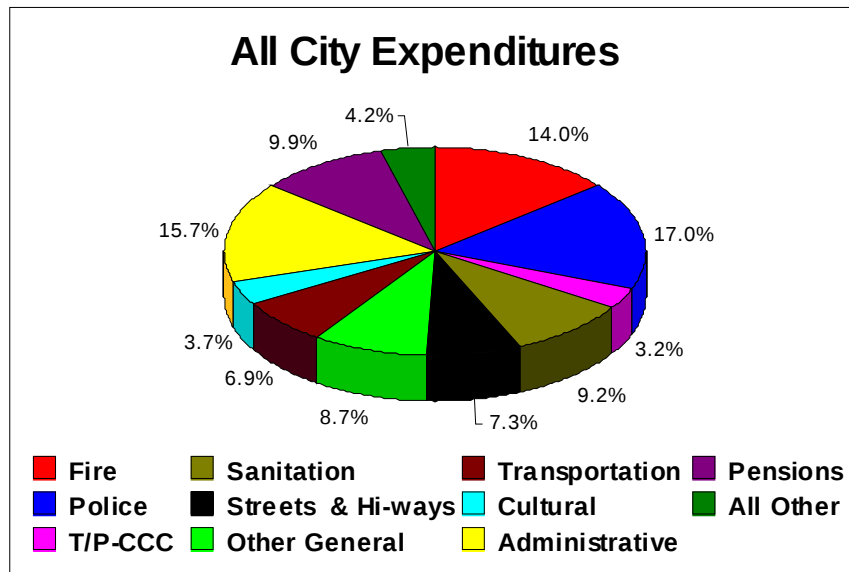
On the expenditure side, personnel costs make up 52.8% of the City's expenditures in General Operations.



#### Consolidated All City Funds Expenditures:

Based on service function, Public Safety (Fire and Police Protection) accounts for approximately 33% of all City expenditures. Pension costs drive that percentage jumps to 40.9%. Administrative costs run 15.7% and Streets and Sanitation each account for approximately 8% of all city expenditures

The following chart shows the relationship of all city expenditures by function.



Respectfully,

Attachment <J:\FINANCE\MONTHLY REPORTS\FY 2006\06 01-31.xls>

cc: Dennis Kief, City Manager  
Sue McMillan, City Clerk

I:\MSW\FINANCE\MONTHLY REPORTS\2006 January 06 02-17.doc

| CATEGORY                           |                     |                   |                  | 75.0%             |                  |                |                     |
|------------------------------------|---------------------|-------------------|------------------|-------------------|------------------|----------------|---------------------|
| NUMBER                             | DESCRIPTION         | ANNUAL BUDGET     | MONTH            | YTD @ 1/31/06     | PCT of BUDGET    | ENCUM-BERED    | BUDGET BALANCE      |
| <b>General Operations</b>          |                     |                   |                  |                   |                  |                |                     |
| 400                                | Taxes               | 12,926,325        | 933,328          | 10,581,733        | 81.9%            |                | (2,344,592)         |
| 410                                | Intergovernmental   | 159,186           | 16,264           | 135,513           | 85.1%            |                | (23,673)            |
| 420                                | Fees/Charges        | 1,881,550         | 206,561          | 1,771,856         | 94.2%            |                | (109,694)           |
| 430                                | Fines & Forfeitures | 356,550           | 47,765           | 313,169           | 87.8%            |                | (43,381)            |
| 440                                | Licenses & Permits  | 230,795           | 17,089           | 174,304           | 75.5%            |                | (56,491)            |
| 460                                | Investment Earnings | 302,052           | 28,766           | 310,273           | 102.7%           |                | 8,221               |
| 470                                | Other Revenue       | 321,673           | 196,865          | 406,183           | 126.3%           |                | 84,510              |
| 480                                | Debt Proceeds       | 20,000            | 0                | 0                 | 0.0%             |                | (20,000)            |
| 490                                | Transfers In        | 1,430,273         | 8,333            | 79,125            | 5.5%             |                | (1,351,148)         |
|                                    | <b>REVENUE</b>      | <b>17,628,404</b> | <b>1,454,971</b> | <b>13,772,156</b> | <b>78.1%</b>     |                | <b>(3,856,248)</b>  |
| 510                                | Personnel           | 8,829,179         | 664,464          | 6,340,806         | 71.8%            | 0              | 2,488,373           |
| 520                                | Commodities         | 156,123           | 6,464            | 91,119            | 58.4%            | 70             | 64,934              |
| 530                                | Contractual         | 3,171,380         | 278,663          | 2,445,405         | 77.1%            | 191            | 725,784             |
| 550                                | Capital Outlay      | 794,153           | 20,784           | 583,083           | 73.4%            | 0              | 211,070             |
| 560                                | Other Expenditures  | 530,792           | 1,092            | 26,975            | 5.1%             | 0              | 503,817             |
| 570                                | Benefit Payments    | 0                 | 0                | 0                 |                  | 0              | 0                   |
| 580                                | Debt Service        | 210,612           | 26,067           | 199,100           | 94.5%            | 0              | 11,512              |
| 590                                | Transfers to Funds  | 4,667,400         | 324,123          | 2,390,770         | 51.2%            | 0              | 2,276,630           |
|                                    | <b>EXPENDITURE</b>  | <b>18,359,639</b> | <b>1,321,657</b> | <b>12,077,258</b> | <b>65.8%</b>     | <b>261</b>     | <b>6,282,120</b>    |
| <b>GENERAL OPERATIONS [1]</b>      |                     | <b>(731,235)</b>  | <b>133,314</b>   | <b>1,694,898</b>  |                  | <b>(261)</b>   | <b>(10,138,368)</b> |
| <b>General Operations Plus</b>     |                     |                   |                  |                   |                  |                |                     |
| 400                                | Taxes               | 15,982,325        | 1,063,868        | 13,255,179        | 82.9%            |                | (2,727,146)         |
| 410                                | Intergovernmental   | 1,493,977         | 76,170           | 1,136,485         | 76.1%            |                | (357,492)           |
| 420                                | Fees/Charges        | 6,896,347         | 553,838          | 5,262,716         | 76.3%            |                | (1,633,631)         |
| 430                                | Fines & Forfeitures | 370,800           | 49,264           | 324,237           | 87.4%            |                | (46,563)            |
| 440                                | Licenses & Permits  | 242,595           | 17,449           | 182,144           | 75.1%            |                | (60,451)            |
| 460                                | Investment Earnings | 365,489           | 41,122           | 447,790           | 122.5%           |                | 82,301              |
| 470                                | Other Revenue       | 487,928           | 251,356          | 638,735           | 130.9%           |                | 150,807             |
| 480                                | Debt Proceeds       | 20,000            | 0                | 0                 | 0.0%             |                | (20,000)            |
| 490                                | Transfers In        | 5,080,607         | 215,080          | 2,478,870         | 48.8%            |                | (2,601,737)         |
|                                    | <b>REVENUE</b>      | <b>30,940,068</b> | <b>2,268,147</b> | <b>23,726,156</b> | <b>76.7%</b>     |                | <b>(7,213,912)</b>  |
| 510                                | Personnel           | 10,774,147        | 838,722          | 7,982,733         | 74.1%            | 0              | 2,791,414           |
| 520                                | Commodities         | 836,594           | 69,208           | 727,729           | 87.0%            | 70             | 108,795             |
| 530                                | Contractual         | 10,914,764        | 555,824          | 7,015,291         | 64.3%            | 8,621          | 3,890,852           |
| 550                                | Capital Outlay      | 2,156,356         | 78,331           | 1,998,784         | 92.7%            | 0              | 157,572             |
| 560                                | Other Expenditures  | 534,292           | 2,677            | 86,182            | 16.1%            | 30             | 448,080             |
| 570                                | Benefit Payments    | 0                 | 0                | 0                 |                  | 0              | 0                   |
| 580                                | Debt Service        | 452,257           | 51,752           | 438,801           | 97.0%            | 0              | 13,456              |
| 590                                | Transfers to Funds  | 5,474,938         | 353,378          | 2,961,016         | 54.1%            | 0              | 2,513,922           |
|                                    | <b>EXPENDITURE</b>  | <b>31,143,348</b> | <b>1,949,892</b> | <b>21,210,536</b> | <b>68.1%</b>     | <b>8,721</b>   | <b>9,924,091</b>    |
| <b>GENERAL OPERATIONS PLUS [2]</b> |                     | <b>(203,280)</b>  | <b>318,255</b>   | <b>2,515,620</b>  |                  | <b>(8,721)</b> | <b>(17,138,003)</b> |
| <b>Cash and Investments:</b>       |                     | <b>January</b>    | <b>38,748</b>    | <b>38,383</b>     |                  |                |                     |
| General Operations                 |                     | 212,645           | 8,082,524        | 6,571,550         |                  |                |                     |
| General Operations Plu             |                     | 733,893           | 17,087,391       | 13,703,235        | excludes Library |                |                     |

GENERAL OPERATIONS comprises the following funds: General, Solid Waste, Storm Sewer,  
 [1] Airport and Economic Development  
 GENERAL OPERATIONS PLUS is GENERAL OPERATIONS plus the following funds: Sanitary  
 Sewer, MFT, HUD, TIF #1, Capital Projects, City Bus, School Bus, Insurance, Vehicle  
 [2] Maintenance and Library. It does not include T/P-CCC, Fire or Police Pension funds.

# Memo

To: Council

From: Joseph W. Wuellner, P.E. - Public Works Director

CC: Denny Kief, Sue McMillan, & Ron Sieh

Date: February 23, 2006

Re: Chuck's Quad Track

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Gentlemen:

Since there seems to be concern over the recommendation of the Planning Commission to deny the special use for Chuck's Quad Track on the Manito Blacktop, I thought you could use a history of this project.

Mr. Williams first came to the Planning Commission in April 2004 with a plan to open a Quad Track at this location. He submitted a plan at that time which showed how he intended to open the facility and how the various tracks would be laid out. He was told what would be required in order to operate a facility of this nature. The list included items like paved access and parking areas, restroom facilities, and water for emergency responses. He agreed that this would be done and the Commission recommended him a special use and the Council agreed and passed this plan. Since that time nothing has been done to fulfill the requirements of the special use and the area has been open for the last two years. (See Attachment 1 for the 2004 layout.)

The latest request expands the area to be used for the Quad Track and does not show any of the items that were originally shown. Basically, he is calling the whole area the track which now includes the property behind a single family residence. The residents were there to express their concerns and the problems they have experienced with having this so close to their house. Pekin Hardwood also had a representative at the meeting to relate what the dust was doing to their business. Based on these concerns and the lack of action toward complying with the last special use, the Planning Commission felt it was best to deny this request. (See Attachment 2 for the 2006 layout. Note that there are a few details that did not scan due to the colors used to depict them on the drawing. If you would like to see them, please stop by.)

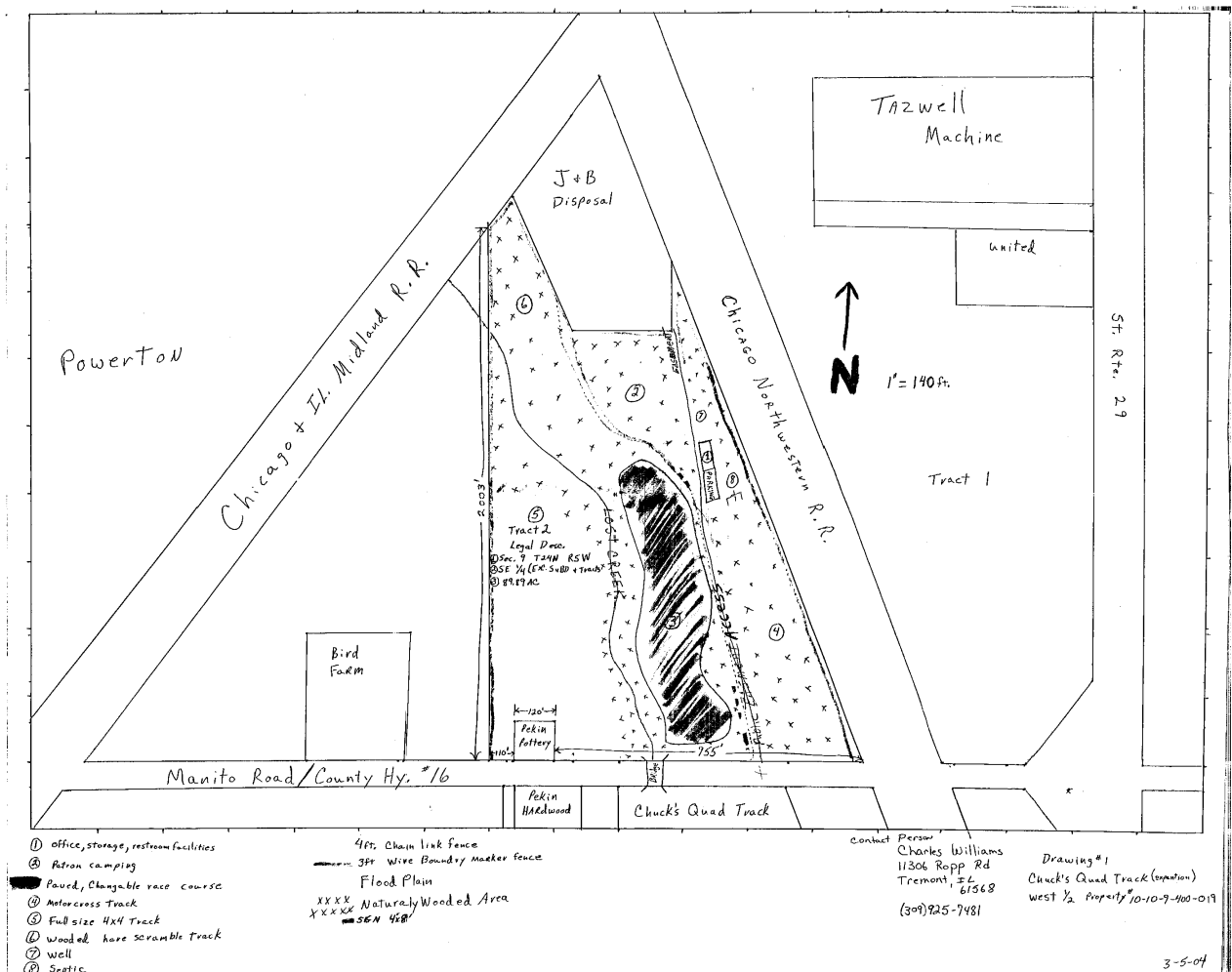
The Commission does feel that this is a good idea and something that would be a benefit to ATV riders. However, they feel that it should comply with all health and safety requirements as do all other businesses and it should not create a hardship on its neighbors.

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

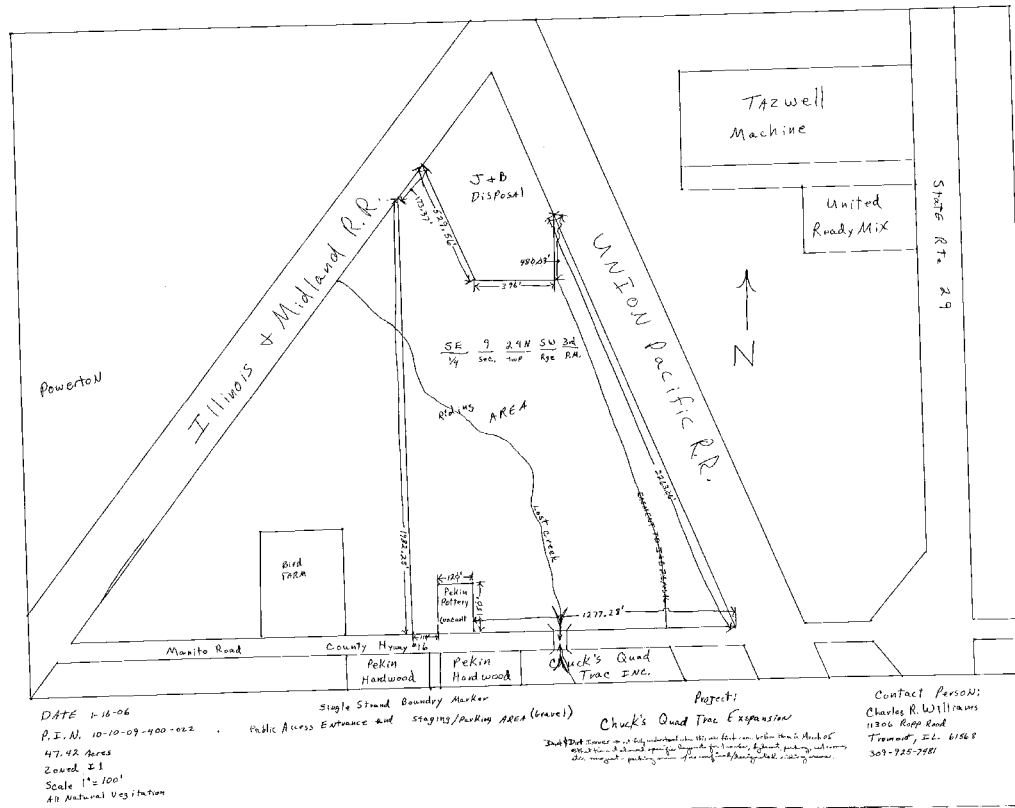
Thanks,

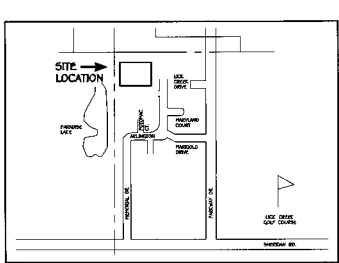
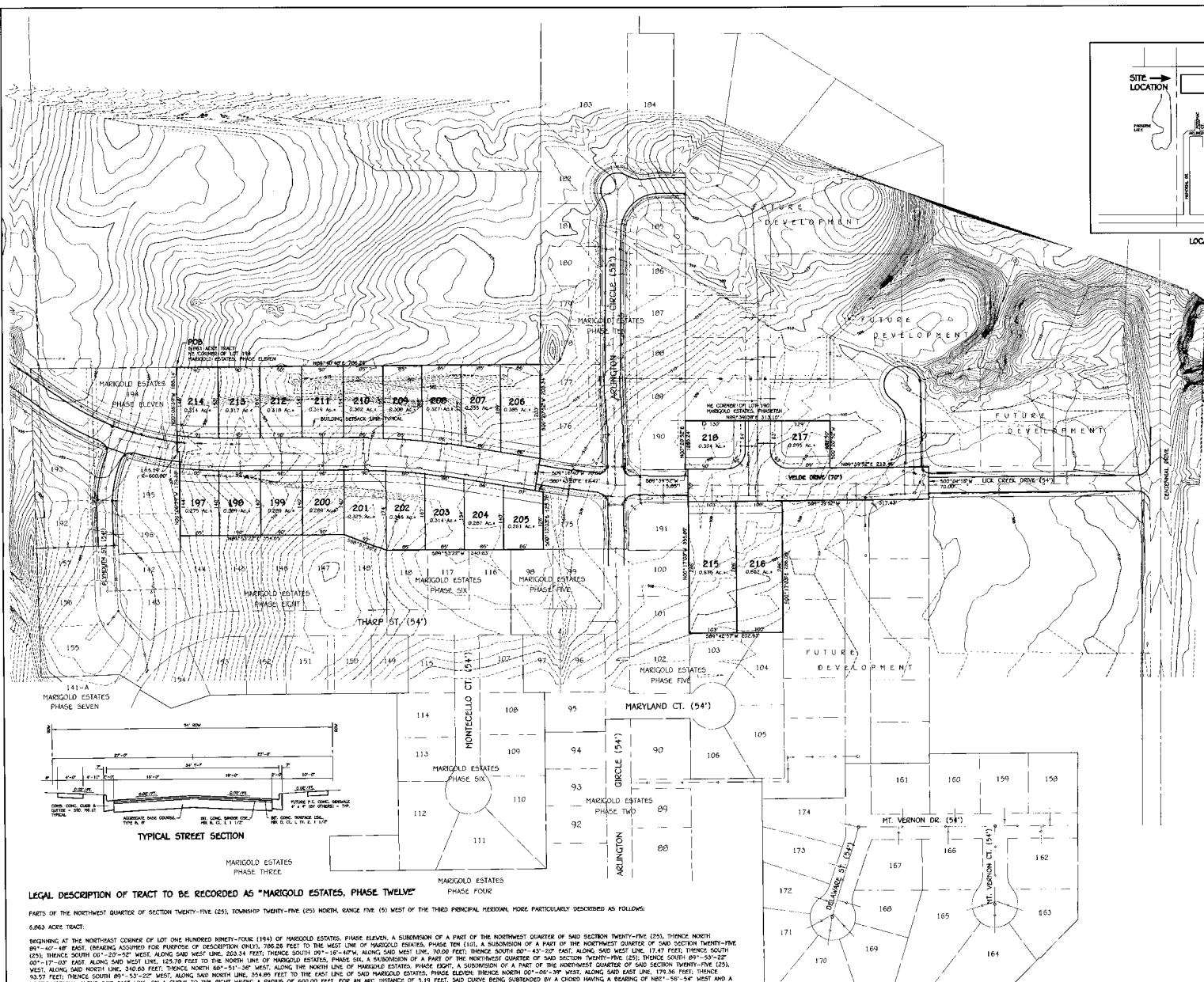
Joe

## ATTACHMENT 1



# ATTACHMENT 2





- LEGEND
- SUBDIVISION BOUNDARY
  - BUILDING SETBACK LINE (5'±)
  - EXISTING CONTOUR
  - EXISTING SANITARY SEWER
  - EXISTING WATER MAIN
  - EXISTING STORM SEWER
  - EXISTING SAN MAIN
  - EXISTING GAS ELECTRIC & TELEPHONE
  - EXISTING STREET LIGHT
  - PROPOSED WATER MAIN
  - PROPOSED SANITARY SEWER
  - PROPOSED STORM SEWER
  - PROPOSED STREET LIGHT
  - PROPOSED HYDRANT
- SCALE 1" = 100'

- GENERAL NOTES:
- AREA OF PROPOSED SUBDIVISION - 9.775 ACRES.
  - THE NUMBERS, SIZES, SHAPES, AREAS AND DIMENSIONS OF THE LOTS SHOWN HEREIN ARE APPROXIMATE. THE ACTUAL CONSIDERATION OF THE LOTS WILL BE AS SHOWN ON THE "FINAL PLAT" - UTILITIES, WITHIN UTILITY EASEMENTS, MAY BE CONSTRUCTED ON LOTS, WHICH WILL BE SHOWN ON "CONSTRUCTION PLANS" TO BE FILED WITH THE CITY OF PEORIA ENGINEERING DEPARTMENT.
  - THE CONTOURS SHOWN HEREIN HAVE BEEN OBTAINED FROM AERIAL SURVEY. CONTOUR INTERVAL IS 1'.
  - ENGINEER: JAMES R. FRANKLIN, AUSTIN ENGINEERING CO., INC., 8109 N. UNIVERSITY ST., PEORIA, ILLINOIS, 61615, 309-691-0024.
  - DEVELOPER: MARIGOLD DEVELOPMENT, LLC, C/O MICHAEL HADSON, BLOOMINGTON, ILLINOIS.
  - UTILITIES: ALL UTILITIES ARE AVAILABLE FOR THIS SUBDIVISION.
  - ZONING: THE PROPERTY IS PRESENTLY ZONED AS (TO BE REZONED R-2).
  - UTILITY EASEMENTS: UTILITY EASEMENTS WILL BE PROVIDED ON THE FINAL PLAT TO PROPERLY SERVE THE SUBDIVISION WITH ALL AVAILABLE UTILITIES. (GENERALLY 5' ALONG SIDES AND REAR AND 10' ALONG FRONT).
  - DETENTION: STORM WATER DETENTION AND EROSION CONTROL FACILITIES WILL BE PROVIDED IN ACCORDANCE WITH APPLICABLE MUNICIPAL REGULATIONS.
  - THE STORM SEWER DESIGN ON VULDE DR. IS FROM THE PREVIOUS DESIGN FOR VULDE DR. AND WILL BE MODIFIED AS REQUIRED FOR THIS PROJECT WHEN THE CONSTRUCTION PLANS ARE PREPARED.

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF TAZEWELL )

I HEREBY CERTIFY THAT BY RESOLUTION NO. \_\_\_\_\_ ADOPTED BY THE CITY COUNCIL OF THE CITY OF PEORIA, TAZEWELL COUNTY, ILLINOIS, AT A REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005, THE ABOVE PRELIMINARY PLAT OF "MARIGOLD ESTATES, PHASE TWELVE" WAS APPROVED.

CITY CLERK

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF PEORIA )

WE, THE AUSTIN ENGINEERING CO., INC., CIVIL ENGINEERS AND LAND SURVEYORS, DO HEREBY CERTIFY THAT WE HAVE PREPARED THE ABOVE PRELIMINARY PLAT OF "MARIGOLD ESTATES, PHASE TWELVE", AND THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SUBDIVISION AS TOWN TO A SCALE OF ONE (1) INCH EQUALS ONE HUNDRED (100) FEET.

WE FURTHER CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED AT PEORIA, ILLINOIS THIS 21ST DAY OF DECEMBER, 2005.

James R. Franklin, P.E.  
JAMES R. FRANKLIN, P.E.

DRAINAGE ACKNOWLEDGMENT:

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF THE SUBDIVISION, OR THAT IF THE DRAINAGE OF SURFACE WATERS WILL BE CHANGED, REASONABLE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR TO WATERSHEDS THAT THE SUBDIVISION HAS A DESIRED TO DOE, AND THAT SUCH WATERS HAVE BEEN PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING STANDARDS.

James R. Franklin, P.E.  
JAMES R. FRANKLIN, P.E.

BY: MARIGOLD DEVELOPMENT, LLC

PRELIMINARY PLAT OF  
MARIGOLD ESTATES, PHASE TWELVE

|                                                                                             |          |                              |           |
|---------------------------------------------------------------------------------------------|----------|------------------------------|-----------|
| PART OF THE NW 1/4 OF SECTION 25,<br>T25N, R5W OF THE 3RD PM<br>(TAZEWELL COUNTY, ILLINOIS) |          | AUSTIN ENGINEERING CO., INC. |           |
| FOR:                                                                                        |          | CIVIL ENGINEERS              |           |
| DATE                                                                                        | 12/21/05 | SCALE                        | 1" = 100' |
| BY                                                                                          | JR       | REVIEWED                     | REVIEWED  |
| DATE                                                                                        | 12/21/05 | SCALE                        | 1" = 100' |
| BY                                                                                          | JR       | REVIEWED                     | REVIEWED  |

**ORDINANCE NO.**  
**AN ORDINANCE PROVIDING FOR THE**  
**REZONING OF CERTAIN PROPERTY**

WHEREAS, MIKE HADDEN, is the owner of the parcel herein described, hereinafter referred to as “Petitioner”, and has heretofore requested the rezoning of certain property hereinafter described in this ordinance; and

WHEREAS, the Petitioner has requested that the property hereinafter described be rezoned from its current zoning of AG (Agricultural District) to R-2 (One Family Residential District); and

WHEREAS, the Petitioner has given due notice to all interested parties; and notice of a public hearing was duly published according to the law on January 25, 2006, in the Pekin Daily Times, Pekin, Tazewell County, Illinois; and

WHEREAS, pursuant to notice duly published according to law, the Planning Commission held a public hearing at 6:30 p.m. on February 8, 2006, 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 rezoned as R-2 (One Family  
Residential District):

Beginning at the Northeast corner of Lot One Hundred Ninety-four (194) of Marigold Estates, Phase Eleven, a subdivision of a part of the Northwest Quarter of said Section Twenty-five (25), thence North 89° 40' 48" East, (Bearing assumed for purpose of description only), 786.26 feet to the West line of Marigold Estates, Phase Ten (10), a subdivision of a part of the Northwest Quarter of said Section Twenty-five (25); thence South 00° 20' 52" West, along said West line, 203.34 feet; thence South 09° 16' 40" West, along said West line, 70.00 feet; thence South 80° 43' 20" East, along said West line, 17.47 feet; thence South 00° 17' 03" East, along said West line, 125.78 feet to the North line of Marigold Estate, Phase Six, a subdivision of a part of the Northwest Quarter of said Section Twenty-five (25); thence South 89° 53' 22" West, along said North line, 340.83 feet, thence North 68° 51' 36" West, along the North line of Marigold Estates, Phase Eight, a subdivision of a part of the Northwest Quarter of said Section Twenty-five (25), 93.57 feet; thence South 89° 53' 22" West, along said North line, 354.85 feet to the East line of said Marigold Estates, Phase Eleven; thence North 00° 06' 39" West, along said East line, 179.36 feet; thence Northwesterly, along said East line, on a curve to the right having a radius of 600.00 feet for an arc distance of 5.19 feet, said curve being subtended by a chord having a bearing of N82° 56' 54" West and a length of 5.19 feet; thence North 00° 06' 39" West, along said East line, 183.14 feet to the Point of Beginning, said tract containing 6.863 acres, more or less. PIN: 04-04-25-100-028; and 04-04-25-100-029

Also, a 2.912 acre tract: Beginning at the Northeast corner of Lot 190 of Marigold Estates, Phase Ten (10), a subdivision of a part of the Northwest Quarter of said Section Twenty-five (25), thence North 89° 39' 08" East, (Bearing assumed for the purpose of description only), 313.10 feet; thence South 00° 20' 52" West, 101.50 feet; thence North 89° 39' 52" East, 213.46 feet; thence South 00° 01' 16" West, along the West line of the existing Velde Drive Right of Way and said line extended, 70.00 feet; thence South 89° 39' 52" West, 317.43 feet; thence South 00° 17' 03" East, 286.08 feet to the North line of Marigold Estates, Phase Five (5), a subdivision of a part of the Northwest Quarter of said Section Twenty-five (25); thence South 89° 42' 57" West, along said North line, 202.93 feet to the East line of said Marigold Estates, Phase Five (5); thence North 00° 17' 03" West, along said East line and along the East line of said Marigold Estates, Phase Ten (10), 355.89 feet; thence South 89° 39' 52" West, along said East line, 5.85 feet; thence North 00° 20' 52" East, along said East line, 105.24 feet to the Point of Beginning, said tract containing 2.912 acres, more or less. PIN: 04-04-25-100-030; and 04-04-25-100-031

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this \_\_\_\_\_ day of \_\_\_\_\_, 2006; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

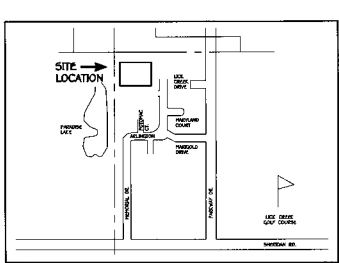
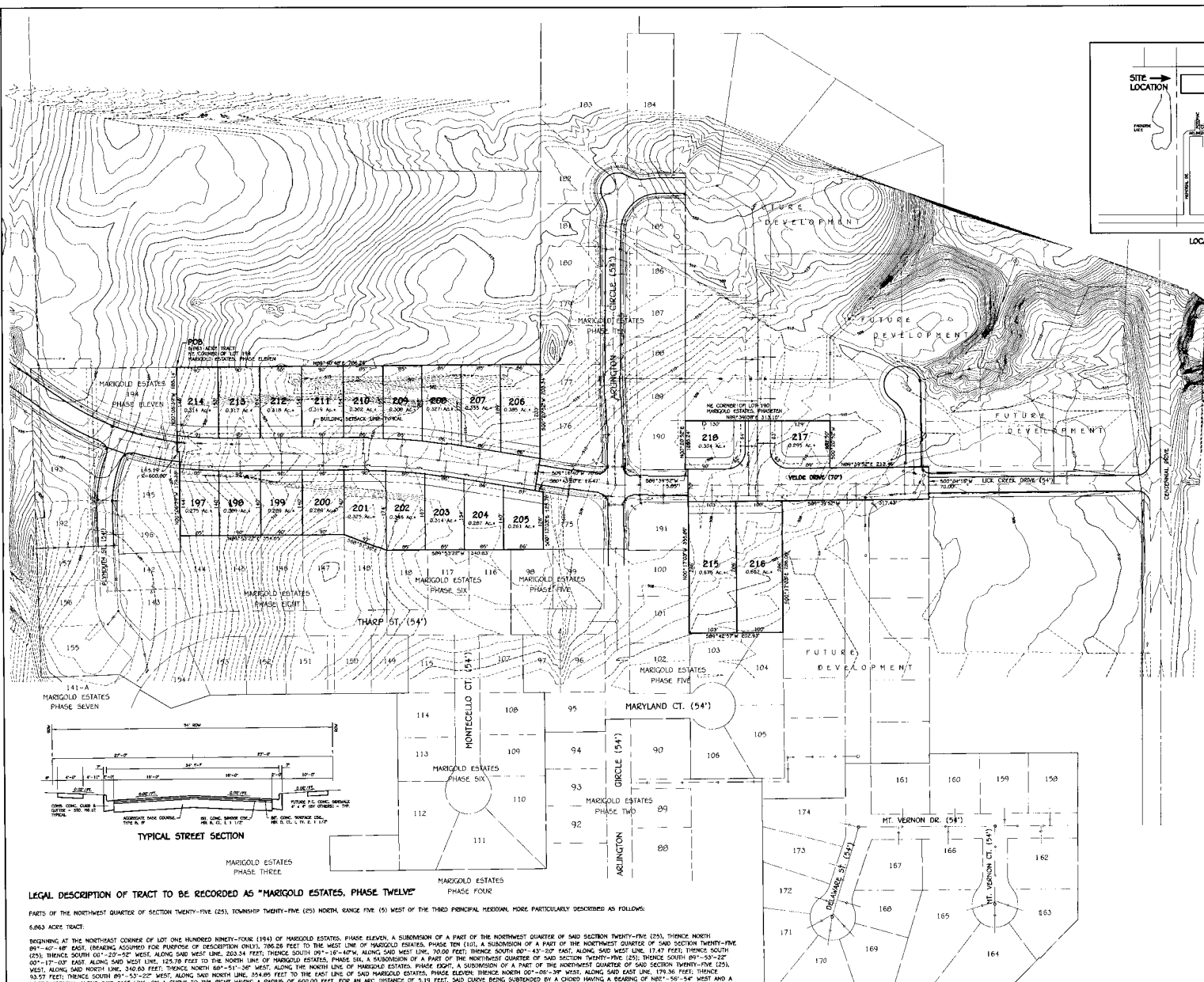
ABSTAINING:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

MAYOR

ATTEST:

CITY CLERK



- LEGEND
- SUBDIVISION BOUNDARY
  - BUILDING SETBACK LINE (5'±)
  - EXISTING CONTOUR
  - EXISTING SANITARY SEWER
  - EXISTING WATER MAIN
  - EXISTING STORM SEWER
  - EXISTING SAN MAIN
  - EXISTING GAS ELECTRIC & TELEPHONE
  - EXISTING STREET LIGHT
  - PROPOSED WATER MAIN
  - PROPOSED SANITARY SEWER
  - PROPOSED STORM SEWER
  - PROPOSED STREET LIGHT
  - PROPOSED HYDRANT
- SCALE 1" = 100'

- GENERAL NOTES:
- AREA OF PROPOSED SUBDIVISION - 9.775 ACRES.
  - THE NUMBERS, SIZES, SHAPES, AREAS AND DIMENSIONS OF THE LOTS SHOWN HEREIN ARE APPROXIMATE. THE ACTUAL CONSIDERATION OF THE LOTS WILL BE AS SHOWN ON THE "FINAL PLAT" - UTILITIES, WITHIN UTILITY EASEMENTS, MAY BE CONSTRUCTED ON LOTS, WHICH WILL BE SHOWN ON "CONSTRUCTION PLANS" TO BE FILED WITH THE CITY OF PEORIA ENGINEERING DEPARTMENT.
  - THE CONTOURS SHOWN HEREIN HAVE BEEN OBTAINED FROM AERIAL SURVEY. CONTOUR INTERVAL IS 1'.
  - ENGINEER: JAMES R. FRANKLIN, AUSTIN ENGINEERING CO., INC., 8109 N. UNIVERSITY ST., PEORIA, ILLINOIS, 61615, 309-691-0024.
  - DEVELOPER: MARIGOLD DEVELOPMENT, LLC, C/O MICHAEL HADSON, BLOOMINGTON, ILLINOIS.
  - UTILITIES: ALL UTILITIES ARE AVAILABLE FOR THIS SUBDIVISION.
  - ZONING: THE PROPERTY IS PRESENTLY ZONED AS (TO BE REZONED R-2).
  - UTILITY EASEMENTS: UTILITY EASEMENTS WILL BE PROVIDED ON THE FINAL PLAT TO PROPERLY SERVE THE SUBDIVISION WITH ALL AVAILABLE UTILITIES. (GENERALLY 5' ALONG SIDES AND REAR AND 10' ALONG FRONT).
  - DETENTION: STORM WATER DETENTION AND EROSION CONTROL FACILITIES WILL BE PROVIDED IN ACCORDANCE WITH APPLICABLE MUNICIPAL REGULATIONS.
  - THE STORM SEWER DESIGN ON VULDE DR. IS FROM THE PREVIOUS DESIGN FOR VULDE DR. AND WILL BE MODIFIED AS REQUIRED FOR THIS PROJECT WHEN THE CONSTRUCTION PLANS ARE PREPARED.

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF TAZEWELL )

I HEREBY CERTIFY THAT BY RESOLUTION NO. \_\_\_\_\_ ADOPTED BY THE CITY COUNCIL OF THE CITY OF PEORIA, TAZEWELL COUNTY, ILLINOIS, AT A REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005, THE ABOVE PRELIMINARY PLAT OF "MARIGOLD ESTATES, PHASE TWELVE" WAS APPROVED.

CITY CLERK

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF PEORIA )

WE, THE AUSTIN ENGINEERING CO., INC., CIVIL ENGINEERS AND LAND SURVEYORS, DO HEREBY CERTIFY THAT WE HAVE PREPARED THE ABOVE PRELIMINARY PLAT OF "MARIGOLD ESTATES, PHASE TWELVE", AND THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SUBDIVISION AS TOWN TO A SCALE OF ONE (1) INCH EQUALS ONE HUNDRED (100) FEET.

WE FURTHER CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED AT PEORIA, ILLINOIS THIS 21ST DAY OF DECEMBER, 2005.

James R. Franklin, P.E.  
JAMES R. FRANKLIN, P.E.

DRAINAGE ACKNOWLEDGMENT:

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF THE SUBDIVISION, OR THAT IF THE DRAINAGE OF SURFACE WATERS WILL BE CHANGED, REASONABLE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR TO WATERSHEDS THAT THE SUBDIVISION HAS A DESIRE TO USE, AND THAT SUCH WATERS HAVE BEEN PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING STANDARDS.

James R. Franklin, P.E.  
JAMES R. FRANKLIN, P.E.

PRELIMINARY PLAT OF  
MARIGOLD ESTATES, PHASE TWELVE

|                                                                                       |                         |                              |           |
|---------------------------------------------------------------------------------------|-------------------------|------------------------------|-----------|
| PART OF THE NW 1/4 OF SECTION 25, T25N, R5W OF THE 3RD PM (TAZEWELL COUNTY, ILLINOIS) |                         | AUSTIN ENGINEERING CO., INC. |           |
| FOR:                                                                                  |                         | CIVIL ENGINEERS              |           |
| DATE                                                                                  | 12/21/05                | SCALE                        | 1" = 100' |
| BY                                                                                    | JAMES R. FRANKLIN, P.E. | PROJECT NO.                  | 70-02-031 |
|                                                                                       |                         | REVISION                     |           |
|                                                                                       |                         | REVISION                     |           |
|                                                                                       |                         | REVISION                     |           |

**LEGAL DESCRIPTION OF TRACT TO BE RECORDED AS "MARIGOLD ESTATES, PHASE TWELVE"**

PARTS OF THE NORTHWEST QUARTER OF SECTION TWENTY-FIVE (25), TOWNSHIP TWENTY-FIVE (25) NORTH, RANGE FIVE (5) WEST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

6.063 ACRE TRACT:

BEGINNING AT THE NORTHEAST CORNER OF LOT ONE HUNDRED NINETY-FOUR (194) OF MARIGOLD ESTATES, PHASE ELEVEN, A SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FIVE (25), THENCE NORTH 89°-40'-40" EAST, (BEARING ASSIGNED FOR PURPOSE OF DESCRIPTION ONLY), 786.08 FEET TO THE WEST LINE OF MARIGOLD ESTATES, PHASE TEN (10), A SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FIVE (25), THENCE SOUTH 00°-20'-52" WEST, ALONG SAID WEST LINE, 203.34 FEET; THENCE SOUTH 01°-18'-40" WEST, ALONG SAID WEST LINE, 70.00 FEET; THENCE SOUTH 80°-43'-30" EAST, ALONG SAID WEST LINE, 17.47 FEET; THENCE SOUTH 00°-17'-00" EAST, ALONG SAID WEST LINE, 125.10 FEET TO THE NORTH LINE OF MARIGOLD ESTATES, PHASE SIX, A SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FIVE (25), THENCE SOUTH 89°-33'-32" WEST, ALONG SAID NORTH LINE, 240.63 FEET; THENCE NORTH 68°-51'-36" WEST, ALONG THE NORTH LINE OF MARIGOLD ESTATES, PHASE FOUR, A SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FIVE (25), 93.57 FEET; THENCE SOUTH 89°-53'-25" WEST, ALONG SAID NORTH LINE, 254.89 FEET TO THE EAST LINE OF SAID MARIGOLD ESTATES, PHASE ELEVEN; THENCE NORTH 00°-00'-00" WEST, ALONG SAID EAST LINE, 179.36 FEET; THENCE NORTHWESTERLY, ALONG SAID EAST LINE, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 600.00 FEET, FOR AN ARC DISTANCE OF 5.19 FEET, SAID CURVE BEING SUBTENDED BY A CHORD HAVING A BEARING OF N62°-56'-54" WEST AND A LENGTH OF 5.19 FEET; THENCE NORTH 00°-08'-39" WEST, ALONG SAID EAST LINE, 103.14 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 6.063 ACRES, MORE OR LESS.

ALSO, A 2.912 ACRE TRACT:

BEGINNING AT THE NORTHEAST CORNER OF LOT 190 OF MARIGOLD ESTATES, PHASE TEN (10), A SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FIVE (25), THENCE NORTH 89°-39'-00" EAST, (BEARING ASSIGNED FOR PURPOSE OF DESCRIPTION ONLY), 313.10 FEET; THENCE SOUTH 00°-09'-52" WEST, 103.40 FEET; THENCE NORTH 89°-00'-00" EAST, 233.46 FEET; THENCE SOUTH 00°-01'-10" WEST, ALONG THE WEST LINE OF THE EXISTING VULDE DRIVE, 70.00 FEET; THENCE SOUTH 89°-39'-52" WEST, 317.43 FEET; THENCE SOUTH 00°-17'-00" EAST, 286.08 FEET TO THE NORTH LINE OF MARIGOLD ESTATES, PHASE FIVE (5), A SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FIVE (25), THENCE SOUTH 89°-42'-57" WEST, ALONG SAID NORTH LINE, 202.83 FEET TO THE EAST LINE OF SAID MARIGOLD ESTATES, PHASE FIVE (5), THENCE NORTH 00°-17'-00" WEST, ALONG SAID EAST LINE AND ALONG THE EAST LINE OF SAID MARIGOLD ESTATES, PHASE TEN (10), 355.89 FEET; THENCE SOUTH 89°-39'-52" WEST, ALONG SAID EAST LINE, 5.80 FEET; THENCE NORTH 00°-20'-52" EAST, ALONG SAID EAST LINE, 105.24 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 2.912 ACRES, MORE OR LESS.

THE TOTAL AREA OF PROPOSED MARIGOLD ESTATES, PHASE TWELVE EQUALS 9.775 ACRES, MORE OR LESS.

## **AGREEMENT**

This Agreement is entered into this 27<sup>th</sup> day of February, 2006 by and between the CITY OF PEKIN, an Illinois municipal corporation (the "City") and CINCINNATI TOWNSHIP, an Illinois township (the "Township")

WHEREAS, the City and the Township desire to set forth their Agreement regarding the exchange of manpower and equipment; and

WHEREAS, the 1970 Illinois Constitution (Article XII, Section 10) and the Illinois Compiled Statutes (5 ILCS 220/1-220/8) provide authority for intergovernmental cooperation; and

WHEREAS, the exchange of manpower and equipment contemplated herein will aid the Township and the City in providing their respective services and may be obtained more effectively and economically by joint efforts and resources; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. TERM. This Agreement shall begin on February 27, 2006 and terminate on February 26, 2008. Either party may terminate this Agreement by providing sixty (60) days written notice to the other party.
2. EXCHANGE OF MANPOWER AND EQUIPMENT. The City and the Township agree to exchange manpower and equipment at such times and places as may be desirable and convenient. Notwithstanding anything in this Agreement to the contrary, neither party shall be obligated to provide any manpower or any equipment unless, at the sole discretion of the providing party, such manpower or equipment is available and appropriate for such use. There shall be no penalty or liability for declining a request to provide manpower or equipment.
3. WAIVER OF CLAIMS AND SAVE AND HOLD HARMLESS. Each party to this Agreement waives all claims against the other party for all losses and damage arising out of or caused by the other party's performance or failure to perform under this Agreement. Each party to this Agreement hereby agrees to save and hold harmless and defend the other party and its officials and employees for and against all claims and liability for loss, damage, injury or death arising out of acts, efforts or omissions caused by or attributable to its own employees. Each party to this Agreement agrees to save and hold harmless the other party from and against all claims for liability arising under the Illinois Worker's Compensation Act or the Illinois Occupational Diseases Act for injuries to its own employees.

4. MINIMUM INSURANCE REQUIRED. Each party to this Agreement shall, during the entire term hereof, procure and maintain sufficient coverages on the following, (or have proof of membership in a risk pool which contains essentially the following), or if self-insured, have financial evidence providing for the following:

a. Subject to paragraph (f) below, comprehensive general liability insurance with limits of not less than Seven Hundred Fifty Thousand Dollars (\$750,000.00);

b. Subject to paragraph (f) below, code officials' liability insurance with limits of not less than Seven Hundred Fifty Thousand Dollars (\$750,000.00);

c. Subject to paragraph (f) below, public officers' liability insurance, applicable to all elected and appointed officials, insuring the acts and omissions of such officials, with limits of not less than Seven Hundred Fifty Thousand Dollars (\$750,000.00); and

d. Subject to paragraph (f) below, automobile liability insurance with limits of not less than Seven Hundred Fifty Thousand Dollars (\$750,000.00); and

e. Subject to paragraph (f) below, workers' compensation insurance in accordance with Illinois Law.

f. If self-insured or member of a risk pool, an umbrella excess liability insurance policy, or some other form of acceptable financial guaranty, for not less than Three Million Dollars (\$3,000,000.00) aggregate for all of the above.

Each party will provide to the other party, upon request, certificate of insurance in a form acceptable to the requesting party, evidencing the existence of such insurance or equivalent protection.

5. COSTS        The party providing manpower and equipment assumes and agrees to pay all compensation for any of its personnel and all equipment costs associated with assisting the other party, including but not limited to wages, compensation or overtime hours of employment, medical payments due to injury, death benefits and damage to its own property or equipment. No party shall be reimbursed by the other party to this Agreement for any costs incurred pursuant to this Agreement, except as provided in Paragraph 3 of this Agreement.

6. NOTICES Notices shall be deemed delivered (a) when delivered if by personal delivery, (b) as indicated on the receipt when mailed U.S. Postal certified mail, return receipt requested or (c) as indicated on the receipt when delivered by a reputable private overnight mail or delivery firm, and, other than personal delivery, shall be delivered to the parties at their following addresses:

The City of Pekin  
City Hall  
11 South Capitol Street  
Pekin, IL 61554

Cincinnati Township  
204 E. Main Street  
South Pekin, IL 61554

CITY OF PEKIN, an Illinois  
municipal corporation

CINCINNATI TOWNSHIP,  
an Illinois township

By: \_\_\_\_\_

By: *Harold J. Johnson*

Its: \_\_\_\_\_

Its: *Town Clerk*

ATTEST:

ATTEST:

By: \_\_\_\_\_

By: *Phil Jordan*

Its: \_\_\_\_\_

Its: *Cincinnati Jpg Supervisor*

**RESOLUTION NO. 141-05/06**



**Illinois Department  
of Transportation**

**Resolution for Maintenance of  
Streets and Highways by Municipality  
Under the Illinois Highway Code**

BE IT RESOLVED, by the Mayor of the  
(Council or President and Board of Trustees)  
City Pekin of Pekin, Illinois, that there is hereby  
(City, Town or Village) (Name)  
appropriated the sum of \$725,000.00 of Motor Fuel Tax funds for the purpose of maintaining  
streets and highways under the applicable provisions of the Illinois Highway Code from June 1, 2006  
(Date)  
to August 31, 2006  
(Date)

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in the account(s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this resolution to the district office of the Department of Transportation, at Peoria, Illinois.

I, SUE E. MCMILLAN Clerk in and for the CITY  
(City, Town or Village)  
of PEKIN, County of TAZEWELL

hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by

the CITY COUNCIL at a meeting on February 27, 2006  
(Council or President and Board of Trustees) Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 27th day of February, 2006

(SEAL)

CITY Clerk  
(City, Town or Village)

|                                   |  |
|-----------------------------------|--|
| <b>Authorized MFT Expenditure</b> |  |
| <br>                              |  |
| Date                              |  |
| Department of Transportation      |  |
| <br>                              |  |
| Regional Engineer                 |  |



|              |                   |
|--------------|-------------------|
| Route        | Various Locations |
| County       | Tazewell          |
| Local Agency | City of Pekin     |
| Section      | 2006-0000-01-GM   |

**(Construction) Estimate of Cost**

Location and brief description (Sta. and land description of beginning; Sta. only for end for county and road districts; street limits for municipality.)

Bituminous Overlay, Sealcoating and related appurtenances

|                      |          |
|----------------------|----------|
| Total Project Length | 30 miles |
| Net Length           | 30 miles |

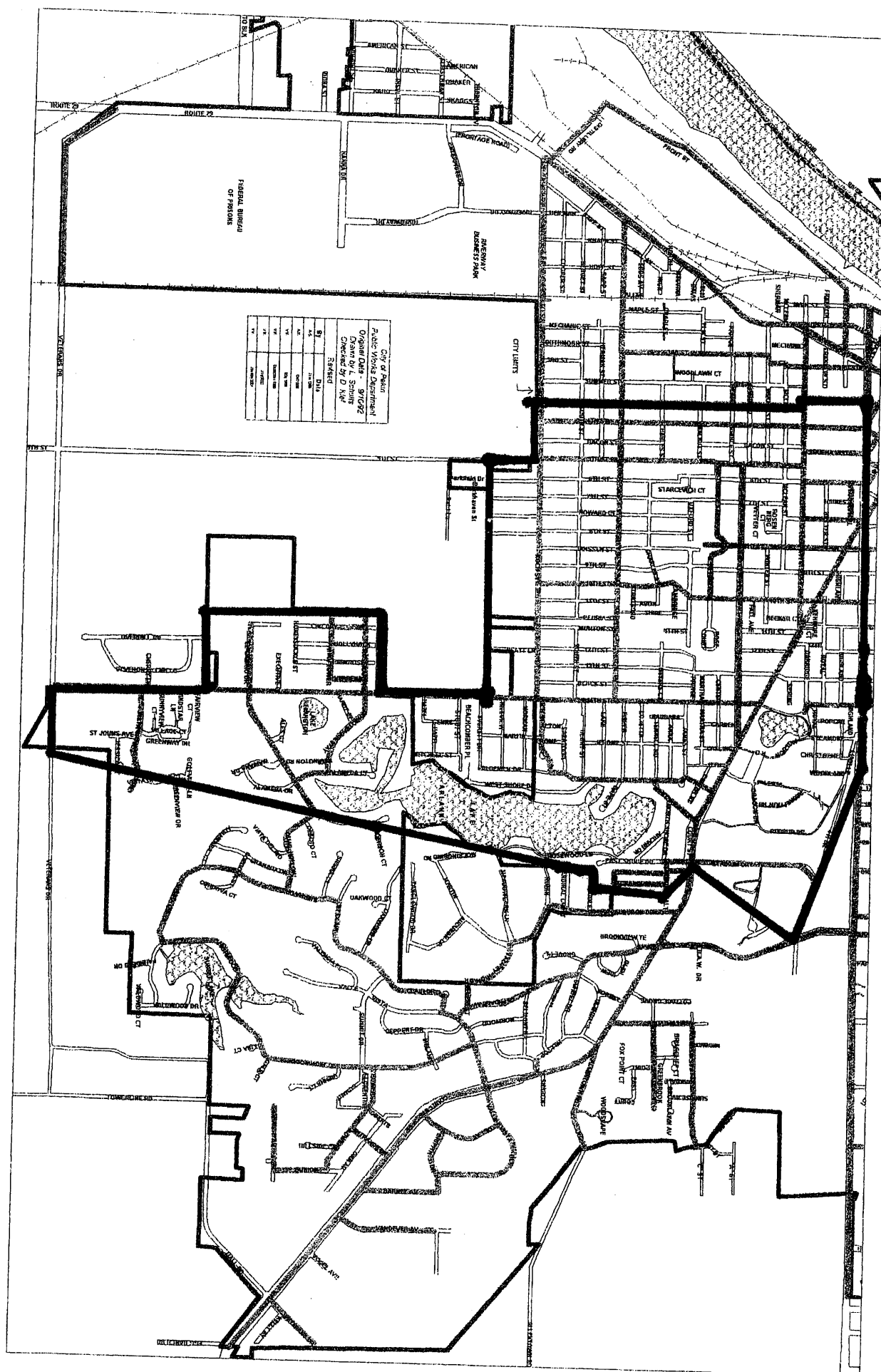
|              |        |
|--------------|--------|
| Surface Type | Varies |
| Width        | Varies |

|               |        |
|---------------|--------|
| Shoulder Type | Varies |
| Width         | Varies |

| Bridge or Culvert |        |
|-------------------|--------|
| Length            | Varies |
| Width             | Varies |

| Item Number                         | Items                                    | Unit                                          | Quantity | Unit Price | Total Cost   |
|-------------------------------------|------------------------------------------|-----------------------------------------------|----------|------------|--------------|
|                                     | CARRIED FORWARD                          |                                               |          |            |              |
| 1                                   | Seal Coat Aggregate (Crushed Black Rock) | Tons                                          | 6031     | 65.00      | \$392,015.00 |
| 2                                   | Bituminous Materials (Seal Coat) CRSP2   | Gals                                          | 219,296  | 1.85       | \$405,697.60 |
|                                     |                                          |                                               |          |            |              |
|                                     |                                          |                                               |          |            |              |
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|                                     |                                          |                                               |          |            |              |
|                                     |                                          |                                               |          |            |              |
|                                     |                                          |                                               |          |            |              |
| <input type="checkbox"/> Page Total |                                          | <input type="checkbox"/> Total Estimated Cost |          |            | \$797,712.60 |

Made by \_\_\_\_\_ Date \_\_\_\_\_  
Checked by \_\_\_\_\_ Date \_\_\_\_\_





Section Number 06 - 00000 - 01 - GM

Municipality CITY OF PEKIN

| Location                  |                            |                            | Surface       |        |       | Maintenance Operation |             |                 |
|---------------------------|----------------------------|----------------------------|---------------|--------|-------|-----------------------|-------------|-----------------|
| Street                    | From                       | To                         | Existing Type | Length | Width | No.                   | Description | Quantity & Unit |
| Koch Street               | Capitol Street             | S. 5 <sup>th</sup> Street  | Sealcoat      | 960    | 40    |                       |             | 4300            |
| Koch Street               | S. 5 <sup>th</sup> Street  | Peoria Street              | Sealcoat      | 2705   | 30    |                       |             | 9100            |
| Koch Street               | Peoria Street              | S. 14 <sup>th</sup> Street | Sealcoat      | 1270   | 40    |                       |             | 5700            |
| South Street              | Capitol Street             | S. 5 <sup>th</sup> Street  | Sealcoat      | 960    | 30    |                       |             | 3200            |
| South Street              | S. 5 <sup>th</sup> Street  | Peoria Street              | Sealcoat      | 2647   | 30    |                       |             | 8900            |
| South Street              | Peoria Street              | S. 14 <sup>th</sup> Street | Sealcoat      | 1200   | 30    |                       |             | 4000            |
| Herman Street             | Capitol Street             | 5 <sup>th</sup> Street     | Sealcoat      | 919    | 28    |                       |             | 2900            |
| McLean Street             | S. 5 <sup>th</sup> Street  | 7 <sup>th</sup> Street     | Sealcoat      | 890    | 30    |                       |             | 3000            |
| Winter Street             | Capitol Street             | 5 <sup>th</sup> Street     | Sealcoat      | 920    | 30    |                       |             | 3000            |
| Washington Street         | Capitol Street             | S. 4 <sup>th</sup> Street  | Sealcoat      | 370    | 33    |                       |             | 1400            |
| Washington Street         | S. 4 <sup>th</sup> Street  | Court Street               | Sealcoat      | 3264   | 36    |                       |             | 14000           |
| Charles Street            | S. 6 <sup>th</sup> Street  | Avon Street                | Sealcoat      | 2024   | 30    |                       |             | 6800            |
| Oxford Street             | S. 6 <sup>th</sup> Street  | East end                   | Sealcoat      | 660    | 30    |                       |             | 2200            |
| Prince Street             | S. 6 <sup>th</sup> Street  | Rose Court                 | Sealcoat      | 3025   | 28    |                       |             | 9500            |
| Rose Court                |                            |                            | Sealcoat      | 1023   | 29    |                       |             | 3300            |
| Park Avenue               | S. 6 <sup>th</sup> Street  | Court Street               | Sealcoat      | 4571   | 38    |                       |             | 19300           |
| Fall Avenue               | S. 10 <sup>th</sup> Street | Deadend                    | Sealcoat      | 360    | 13    |                       |             | 600             |
| S. 4 <sup>th</sup> Street | Koch Street                | Derby Street               | Sealcoat      | 1280   | 29    |                       |             | 4200            |
| Bacon Street              | Koch Street                | Derby Street               | Sealcoat      | 1275   | 30    |                       |             | 4300            |
| Bacon Street              | Derby Street               | Charles Street             | Sealcoat      | 640    | 29    |                       |             | 2100            |
| S. 5 <sup>th</sup> Street | Washington Street          | Derby Street               | Sealcoat      | 2988   | 30    |                       |             | 10000           |
| S. 6 <sup>th</sup> Street | Washington Street          | Dead End                   | Sealcoat      | 4930   | 30    |                       |             | 16500           |
| S. 7 <sup>th</sup> Street | Prince Street              | Dead End                   | Sealcoat      | 3615   | 30    |                       |             | 12100           |
| S. 7 <sup>th</sup> Street | Hillyer Street             | Catholic Church            | Sealcoat      | 549    | 29    |                       |             | 1800            |
| Howard Court              | Oxford Street              | Dead End                   | Sealcoat      | 3290   | 30    |                       |             | 11000           |
| S. 8 <sup>th</sup> Street | Oxford Street              | Dead End                   | Sealcoat      | 3290   | 30    |                       |             | 11000           |
| S. 8 <sup>th</sup> Street | Prince Street              | Dead End                   | Sealcoat      | 338    | 26    |                       |             | 1000            |
| S. 8 <sup>th</sup> Street | Prince Street              | Park Ave.                  | Sealcoat      | 228    | 30    |                       |             | 800             |
| S. 8 <sup>th</sup> Street | Park Avenue                | Court Street               | Sealcoat      | 1652   | 30    |                       |             | 5600            |
| Jansen                    | Koch Street                | Oxford Street              | Sealcoat      | 2607   | 30    |                       |             | 8700            |
| S. 9 <sup>th</sup> Street | Koch Street                | Derby Street               | Sealcoat      | 1270   | 30    |                       |             | 500             |

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Municipality CITY OF PEKIN

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Municipality CITY OF PEKIN

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**Municipal Maintenance Operations**

Section Number 06 - 00000 - 01 - GM

Municipality CITY OF PEKIN

| Location           |                         |                               | Surface       |        |       | Maintenance Operation |             |                 |
|--------------------|-------------------------|-------------------------------|---------------|--------|-------|-----------------------|-------------|-----------------|
| Street             | From                    | To                            | Existing Type | Length | Width | No.                   | Description | Quantity & Unit |
| VFW                | 14 <sup>th</sup>        | 1000 ft east                  | Sealcoat      | 1000   | 24    |                       |             | 300             |
| Windstar           | Village Court           | West end                      | Sealcoat      | 200    | 30    |                       |             | 700             |
| Village Court      | Vista Grande            | North end                     | Sealcoat      | 1000   | 35    |                       |             | 4000            |
| Vista Grande       | 14 <sup>th</sup>        | East end                      | Sealcoat      | 1800   | 33    |                       |             | 6600            |
| Vista Grande Court | Vista Grande            | Northt end                    | Sealcoat      | 1000   | 35    |                       |             | 4000            |
| St. John's Avenue  | Vista Grande            | South end                     | Sealcoat      | 500    | 33    |                       |             | 2000.           |
| Jessica Court      | St. John's              | East end                      | Sealcoat      | 600    | 33    |                       |             | 2200            |
| Greenview Drive    | Vista Grande            | East end                      | Sealcoat      | 200    | 35    |                       |             | 800             |
| El Camino          | 14 <sup>th</sup> Street | East end                      | Sealcoat      | 3618   | 33    |                       |             | 13300           |
| Alfs Court         | El Camino               | North end                     | Sealcoat      | 459    | 33    |                       |             | 1700            |
| Mariana Drive      | El Camino               | North end                     | Sealcoat      | 840    | 33    |                       |             | 3100            |
| Alameda            | Mariana                 | ElCamino                      | Sealcoat      | 961    | 33    |                       |             | 3600            |
| Anderson Court     | ElCamino                | East end                      | Sealcoat      | 245    | 35    |                       |             | 900             |
| Alameda            | El Camino               | North end                     | Sealcoat      | 1352   | 33    |                       |             | 5000            |
| Gingoteague Way    | Alameda                 | To South 14 <sup>th</sup> St. | Sealcoat      | 1576   | 33    |                       |             | 6000            |
| Remington Road     | Gingoteague Way         | South End                     | Sealcoat      | 119    | 32    |                       |             | 500             |
| Hardt Court        | Gingoteague Way         | To West end                   | Sealcoat      | 385    | 35    |                       |             | 1500            |
| Koch Street        | 14 <sup>th</sup> Street | 18 <sup>th</sup> Street       | Sealcoat      | 1354   | 30    |                       |             | 4600            |
| ElCamino           | 14 <sup>th</sup> Street | West dead end                 | Sealcoat      | 1232   | 32    |                       |             | 4400            |
| Executive Court    | 14 <sup>th</sup>        | West End                      | Sealcoat      | 308    | 32    |                       |             | 1100            |
| Rosemary Road      | 14 <sup>th</sup> Street | West dead end                 | Sealcoat      | 316    | 32    |                       |             | 4700            |
| Chicory Road       | North dead end          | Honey suckles                 | Sealcoat      | 1289   | 32    |                       |             | 4600            |
| Verbena Road       | Rosemary Road           | Windflower Road               | Sealcoat      | 683    | 32    |                       |             | 2500            |
| Windflower Road    | Chickory Road           | Verbena Raod                  | Sealcoat      | 897    | 32    |                       |             | 3400            |
| Holly Hock Road    | Honey Suckles           | Rosemary Road                 | Sealcoat      | 1056   | 32    |                       |             | 3800            |
| Primrose Road      | Honey Suckles           | North dead end                | Sealcoat      | 1225   | 32    |                       |             | 4400            |
| Eastshore          | Court                   | South end                     | Sealcoat      | 1535   | 21    |                       |             | 3600            |
| Monge              | Court                   | Commonwealth                  | Sealcoat      | 362    | 30    |                       |             | 1300            |
| Grandview          | Commonwealth            | Emil                          | Sealcoat      | 879    | 34    |                       |             | 3400            |
| Monge              | Commonwealth            | Emil                          | Sealcoat      | 879    | 30    |                       |             | 3000            |
|                    |                         |                               |               |        |       |                       |             |                 |

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Municipality CITY OF PEKIN

| Location                |                         |                           | Surface       |        |       | Maintenance Operation |             |                 |
|-------------------------|-------------------------|---------------------------|---------------|--------|-------|-----------------------|-------------|-----------------|
| Street                  | From                    | To                        | Existing Type | Length | Width | No.                   | Description | Quantity & Unit |
| Emil                    | Monge                   | Grandview                 | Sealcoat      | 162    | 20    |                       |             | 360             |
| Rosewood                | East Shore              | City limits               | Sealcoat      | 491    | 18    |                       |             | 990             |
| Commonwealth            | East Shore              | Dead End                  | Sealcoat      | 470    | 30    |                       |             | 1600            |
| Arlann                  | East Shore              | Commonwealth              | Sealcoat      | 677    | 30    |                       |             | 2300            |
| North Shore             | West Shore              | East Shore                | Sealcoat      | 987    | 28    |                       |             | 3100            |
| West Shore              | Court Street            | 18th                      | Sealcoat      | 963    | 30    |                       |             | 3300            |
| Court Street -Frontage  | Westshore               | Eastshore                 | Sealcoat      | 686    | 30    |                       |             | 2300            |
| 18 <sup>th</sup> Street | Court Street            | James Road                | Sealcoat      | 494    | 30    |                       |             | 1700            |
| 18 <sup>th</sup> Street | James Road              | South city limits         | Sealcoat      | 2650   | 30    |                       |             | 8900.           |
| Cape Court              | 18 <sup>th</sup> Street | West End                  | Sealcoat      | 720    | 30    |                       |             | 2400            |
| Westshore               | 18 <sup>th</sup> Street | South city limits         | Sealcoat      | 1005   | 30    |                       |             | 3400.           |
| 17 <sup>th</sup> Street | Court Street            | James Road                | Sealcoat      | 670    | 27    |                       |             | 2300            |
| Center Street           | 17 <sup>th</sup> Street | East dead end             | Sealcoat      | 620    | 30    |                       |             | 2100.           |
| Easling                 | Court Street            | James Road                | Sealcoat      | 669    | 27    |                       |             | 2100            |
| Center Street           | 14 <sup>th</sup> Street | Easling                   | Sealcoat      | 689    | 30    |                       |             | 2300            |
| Martha Street           | 14 <sup>th</sup> Street | 17th                      | Sealcoat      | 996    | 30    |                       |             | 3400            |
| Garden Street           | Park Avenue             | Martha                    | Sealcoat      | 557    | 29    |                       |             | 1800.           |
| James Road              | 14 <sup>th</sup> Street | 18 <sup>th</sup> culdesac | Sealcoat      | 1460   | 30    |                       |             | 4900.           |
| Barbara Road            | James Road              | South dead end            | Sealcoat      | 588    | 30    |                       |             | 2000            |
| Anna Road               | Barbara Road            | 18th                      | Sealcoat      | 1010   | 30    |                       |             | 3400            |
| Tennell Road            | Barbara Road            | 18th                      | Sealcoat      | 1019   | 30    |                       |             | 3400            |
| Loretta Street          | 14 <sup>th</sup> Street | 18th                      | Sealcoat      | 1282   | 30    |                       |             | 4300            |
| Fisher Street           | 14 <sup>th</sup> Street | 18 <sup>th</sup>          | Sealcoat      | 1283   | 30    |                       |             | 4300            |
| Lake Street             | 14 <sup>th</sup> Street | 18th                      | Sealcoat      | 1287   | 30    |                       |             | 4300            |
| Henry Street            | 14 <sup>th</sup> Street | 18th                      | Sealcoat      | 1281   | 30    |                       |             | 4300            |
| Jerome Street           | James Road              | Henry                     | Sealcoat      | 1700   | 30    |                       |             | 5700            |
| Saratoga                | 18 <sup>th</sup> Street | West deadend              | Sealcoat      | 892    | 30    |                       |             | 3000            |
| Jerome Street           | Saratoga                | Koch                      | Sealcoat      | 332    | 30    |                       |             | 1200            |
| Jerome Street           | Koch                    | South City limits         | Sealcoat      | 99     | 30    |                       |             | 330             |
| Alton                   | Saratoga                | Koch                      | Sealcoat      | 340    | 30    |                       |             | 1200            |
|                         |                         |                           |               |        |       |                       |             |                 |

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Section Number 06 - 000000 - 01 - GM

Municipality CITY OF PEKIN

[illegible]

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# Illinois Department of Transportation

## Notice to Bidders

RETURN WITH BID

Route  
County  
Local Agency  
Section

Various Locations

City of Pekin

Tazewell/Pekin

2006-00000-01-GM

### Time and Place of Opening of Bids

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

until 9:00 o'clock A M., <sup>(address)</sup> March 22, 2006 Proposals will be opened and read publicly  
at 9:00 o'clock A M., <sup>(date)</sup> March 22, 2006 at the office of City Clerk  
111 South Capitol Street, Pekin, Illinois 61554 <sup>(date)</sup>  
<sup>(address)</sup>

### Description of Work

Name Annual Street Maintenance Program Length 159278.00 feet ( 30.00 miles)  
Location Various Locations  
Proposed Improvement Seal Coating and Related Construction Appurtenances

### Bidders Instructions

- Plans and proposal forms will be available in the office of Superintendent of Streets 1208 Koch Street and  
City Clerk 111 South Street, Pekin, Illinois 61554
- If prequalification is required, the 2 low bidders must file within 24 hours after the letting an "Affidavit of Availability" (Form BC 57), in triplicate, showing all uncompleted contracts awarded to them and all low bids pending award for Federal, State, County, Municipal and private work. One copy shall be filed with the Awarding Authority and 2 copies with the IDOT District Office.
- All proposals must be accompanied by a proposal guaranty as provided in BLRS Special Provision for Bidding Requirements and Conditions for Contract Proposals contained in the "Supplemental Specifications and Recurring Special Provisions".
- The Awarding Authority reserves the right to waive technicalities and to reject any or all proposals as provided in BLRS Special Provision for Bidding Requirements and Conditions for Contract Proposals contained in the "Supplemental Specifications and Recurring Special Provisions".
- Bidders need not return the entire contract proposal when bids are submitted unless otherwise required. Portions of the proposal that must be returned include the following:
  - BLR 12210 - Contract Cover
  - BLR 12220 - Notice to Bidders
  - BLR 12221 - Contract Proposal
  - BLR 12222 - Contract Schedule of Prices
  - BLR 12223- Signatures
  - BLR 12230 - Proposal Bid Bond (if applicable)
- The quantities appearing in the bid schedule are approximate and are prepared for the comparison of bids. Payment to the Contractor will be made only for the actual quantities of work performed and accepted or materials furnished according to the contract. The scheduled quantities of work to be done and materials to be furnished may be increased, decreased or omitted as hereinafter provided.

7. Submission of a bid shall be conclusive assurance and warranty the bidder has examined the plans and understands all requirements for the performance of work. The bidder will be responsible for all errors in the proposal resulting from failure or neglect to conduct an in depth examination. The Awarding Authority will, in no case be responsible for any costs, expenses, losses or changes in anticipated profits resulting from such failure or neglect of the bidder.
8. The bidder shall take no advantage of any error or omission in the proposal and advertised contract.
9. If a special envelope is supplied by the Awarding Authority, each proposal should be submitted in that envelope furnished by the Awarding Agency and the blank spaces on the envelope shall be filled in correctly to clearly indicate its contents. When an envelope other than the special one furnished by the Awarding Authority is used, it shall be marked to clearly indicate its contents. When sent by mail, the sealed proposal shall be addressed to the Awarding Authority at the address and in care of the official in whose office the bids are to be received. All proposals shall be filed prior to the time and at the place specified in the Notice to Bidders. Proposals received after the time specified will be returned to the bidder unopened.
10. Permission will be given to a bidder to withdraw a proposal if the bidder makes the request in writing or in person before the time for opening proposals.
11. **DOES NOT APPLY TO FEDERAL AID PROJECTS.** In accordance with the provisions of Section 30-22 (6) of the Illinois Procurement Code, the bidder certifies that it is a participant, either as an individual or as part of a group program, in the approved apprenticeship and training programs applicable to each type of work or craft that the bidder will perform with its own forces. The bidder further certifies for work that will be performed by subcontract that each of its subcontractors submitted for approval either (a) is, at the time of such bid, participating in an approved, applicable apprenticeship and training program; or (b) will, prior to commencement of performance of work pursuant to this contract, begin participation in an approved apprenticeship and training program applicable to the work of the subcontract. The Department, at any time before or after award, may require the production of a copy of each applicable Certificate of Registration issued by the United States Department of Labor evidencing such participation by the contractor and any or all of its subcontractors. Applicable apprenticeship and training programs are those that have been approved and registered with the United States Department of Labor. The bidder shall list in the space below, the official name of the program sponsor holding the Certificate of Registration for all of the types of work or crafts in which the bidder is a participant and that will be performed with the bidder's forces. Types of work or craft work that will be subcontracted shall be included and listed as subcontract work. The list shall also indicate any type of work or craft job category that does not have an applicable apprenticeship or training program. **The bidder is responsible for making a complete report and shall make certain that each type of work or craft job category that will be utilized on the project is accounted for and listed.**

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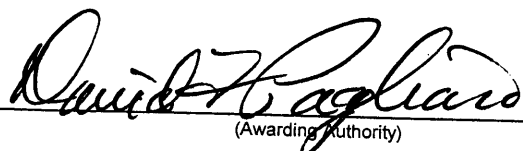
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The requirements of this certification and disclosure are a material part of the contract, and the contractor shall require this certification provision to be included in all approved subcontracts. In order to fulfill this requirement, it shall not be necessary that an applicable program sponsor be currently taking or that it will take applications for apprenticeship, training or employment during the performance of the work of this contract.

  
(Awarding Authority)

By Order of

Superintendent of Streets

County Engineer/County Superintendent of Highways/Municipal Clerk

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

## MEMO TO COUNCILMEN

The changes made to the Liquor Code over the year, and incorporated into the existing code, are as follows:

1. Title 3, Chapter 3, Section 1, paragraph 6 be amended by the addition of the phrase “**with an emergency means of egress.**” at the end of the sentence.
2. Title 3, Chapter 3, Section 1, paragraph 10 be added, defining a “Conditional Grant” as follows:

**CONDITIONAL GRANTS means that the Liquor Commission, after considering an application, may recommend that the Commissioner grant a liquor license on condition that certain pre-agreed undertakings are met by the applicant. The Commissioner may grant such a license. No license document will be issued at that stage and the license will not come into force until the Commissioner has received from the appropriate authority evidence that all the conditions imposed have been fully met. When such evidence is received, the grant will become unconditional, a license will be issued and trading in liquor may commence. The conditional grant will specify a time frame during which the conditions are to be met. If, at the end of the prescribed period, the conditions have not been met, the applicant must apply to the Liquor Commission for an extension. The Liquor Commission will then send their recommendation to the Liquor Commissioner who will make a final determination on an extension. If no extension is granted, the conditional grant will lapse and a new application will be required.**

**While conditional grants will usually be used to provide commercial certainty where there is a requirement to construct, refurbish or alter proposed licensed premises, they may be used for other purposes at the Commissioners discretion. For example, the grant may be conditional on the applicant obtaining appropriate finance.**

3. Title 3, Chapter 3, Section 1 paragraphs 15 and 16 be amended by the deletion of the words “2003 edition as” and “or as hereafter adopted” and amended by revising as follows:

**IBC means the International Building Code most currently adopted by the City of Pekin.**

**IFC means the International Fire Code most currently adopted by the City of Pekin.**

4. Title 3, Chapter 3, Section 1 paragraph 20 be amended by revising as follows:  
NFPA101 LIFE SAFETY CODE means the National Fire Protection Association **most currently adopted by the City.**

5. Title 3, Chapter 3, Section 1, paragraph 32, be amended by the addition of the definition of “unobstructed view” as follows:

**Unobstructive View means a view whereby face, body and hands of the patrons are in full view from a distance of 10 feet with minimal hindrances.**

6. Title 3, Chapter 3, Section 3(a) be amended by the addition of the following sentences:

**A Commission Member may be reappointed for a succeeding three (3) year term by the Liquor Commissioner. After a second term appointment, a Member will not be permitted to be eligible for consideration of serving on the commission until a three year period has elapsed.**

6. Title 3, Chapter 3, Section 3(b) be amended by deleting the last sentence of the paragraph, which states:

**A chairperson shall be designated by the Local Liquor Commissioner for the purpose of presiding over the Commission’s meetings.**

7. Title 3, Chapter 3, Section 4 (2) (A) be amended by the addition of the following as the last sentence:

**Should the corporation be a stock exchange publicly traded corporation, then the requirement data requested of any stockholder of said corporation is waived.**

8. Title 3, Chapter 3, Section 4 (2) (F) be amended by the addition of the following as the last part of the last sentence:

**with a detailed site plan including, but not limited to, plans showing the layout of the interior of the premises to be licensed with the location of all of the exterior doors, bathrooms, tables, chairs and other fixtures.**

9. Title 3, Chapter 3, Section 4 (2) (P) be amended by the addition of the following last sentence in the third paragraph:

**A fee of sixty (\$60) dollars per person will be charged at the time of application.**

10. Title 3, Chapter 3, Section 4, Subsection 11 be added as follows:

**LICENSE FEE: The license fee shall be due and payable at the time of renewal or when the license is first granted. The fee shall be due in one payment only. No license will be renewed or granted without payment in full.**

11. That Title 3, Chapter 3, Section 5, Subsection 3, paragraph 10 be amended by revising as follows:

**Tamper proof closed circuit cameras with approved Ground Floor Monitors.**

12. That Title 3, Chapter 3, Section 5, Subsection 3, paragraph 12 be amended by revising as follows:

The premises shall meet **the most recent requirements of** all National, State and City codes and ordinances which go to matters relating to the safety and well being of all persons using or otherwise impacted by the operation of the premises as licensed premises.

13. There will also be a description of the pier garden, as yet to be determined.

If you have any questions as to the reasoning behind the changes, please do not hesitate to inquire.

Sue Bosich

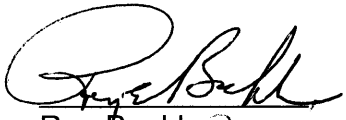
To the Mayor and City Council,

Gentlemen,

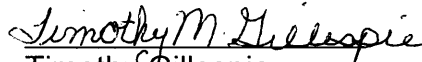
The Liquor Commission on the Liquor Code Amendments has met over several meetings to review and amend the current Liquor Code. We have completed the task and present to you the attached amended code.

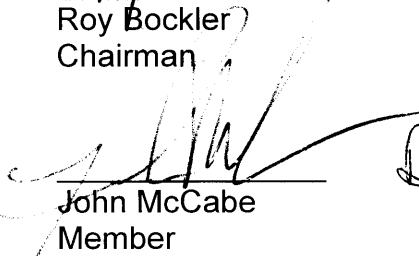
Great effort has been made on the part of all members to propose, what we feel, is a fair, workable, and easily understood Liquor Code, which meets the needs of the business owner while still providing for public safety.

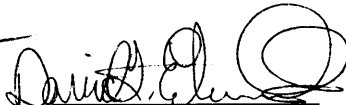
We, the undersigned commission urge the City of Pekin Council to approve the Liquor Code changes to become effective upon approval.

  
Roy Bockler  
Chairman

  
Charles E. Lauss  
Member, Fire Chief

  
Timothy Gillespie  
Member, Chief of Police

  
John McCabe  
Member

  
David Eitenmiller  
Member

\_\_\_\_\_  
Holly Brown  
Member

\_\_\_\_\_  
Gary Allen  
Member

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3  
OF THE CODE OF THE CITY OF  
PEKIN 1995 REGARDING LIQUOR CONTROL.**

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

**WHEREAS**, the Code of the City of Pekin 1995, adopted on April 10, 1995, and duly published in book form contains within Chapter 3, Section 3, certain standards and licensing arrangements for liquor control; and

**WHEREAS**, the City Council supports the responsible development of the liquor and licensed hospitality industry in line with community expectations; and

**WHEREAS**, the City Council is committed to the safe supply and consumption of alcohol and to ensure that the provision of alcohol is adequately controlled within the City of Pekin; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City to amend the City Code regarding Liquor Control.

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

1. That Title 3, Chapter 3, be amended by deleting the existing sections in their entirety, and inserting the language on 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 this Ordinance takes precedence over and supercedes any and all Ordinances or parts of ordinances in conflict herewith.

**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 27<sup>th</sup> day of February, 2006; and upon roll call the vote was as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAINING: \_\_\_\_\_

**APPROVED** this 27<sup>th</sup> day of February, 2006.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

“EXHIBIT A”

CHAPTER 3

LIQUOR CONTROL

SECTION:

- 3-3- 1: Definitions
- 3-3- 2: Local Liquor Commissioner
- 3-3-3: Local Liquor Commission
- 3-3-4: Licensing Regulations
- 3-3-4- 1: License Required
- 3-3-4- 2: Application
- 3-3-4- 3: Initial License Application Fee
- 3-3-4- 4: Restrictions on Issuance of License
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(Ord. No. 02/27/06)

3-3-1: DEFINITIONS: Unless the context otherwise provides, words and phrases used in this Chapter shall be construed as hereinafter set forth, or as used in the Illinois Liquor Control Act, as amended:

ADDITIONAL LICENSE CONDITIONS means conditions imposed by the Local Liquor Commissioner that extend or restrict the circumstances under which alcohol may be supplied or may require certain actions by the licensee. Failure

to comply with such conditions will constitute an offense.

ALCOHOLIC LIQUOR shall mean and include any alcohol, spirits, wines, beer, and other vinous or malt products, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being containing more than one-half of one percent (0.005%) of alcohol by volume; provided, however, that this definition shall not be construed to apply to alcohol used in the manufacturing of denatured alcohol or alcohol produced solely for combination with petroleum products for motor fuel and produced in accordance with Acts of Congress and regulations promulgated there under.

ASSEMBLY HALL or STADIUM means a building or structure having a minimum total occupancy as calculated by IFC formula, in which space is regularly rented or licensed for the viewing of or participation in conventions, exhibitions, sporting events, concerts or performances of plays, dances, circuses or similar presentations.

BEER means a beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

BEER GARDEN means an additional, designated area, adjoining the licensed premises, enclosed by a permanent barrier with a minimum height of five feet that affords an unobstructed view of the enclosed area **with an emergency means of egress.** (Ord. No. 2339 09/22/03)

BREW PUB means a person who manufactures beer only at a designated premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year.

CATERER RETAILER means a person who serves alcoholic liquors for consumption, whether on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.

CLUB means any corporation, organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object, other than the sale or consumption of alcoholic liquors kept, used and maintained by its members through the payment of dues, and owning, hiring or leasing a building and space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its

members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the Local Liquor Commissioner at the time of its application for a license under the Act two copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

CONDITIONAL GRANTS means that the Liquor Commission after considering an application, may recommend that the Commissioner grant a liquor license on condition that certain pre-agreed undertakings are met by the applicant. The Commissioner may grant such a license. No license document will be issued at that stage and the license will not come into force until the Commissioner has received from the appropriate authority evidence that all the conditions imposed have been fully met. When such evidence is received, the grant will become unconditional, a license will be issued and trading in liquor may commence. The conditional grant will specify a time frame during which the conditions are to be met. If, at the end of the prescribed period, the conditions have not been met, the applicant must apply to the Liquor Commission for an extension. The Liquor Commission will then send their recommendation to the Liquor Commissioner who will make a final determination on an extension. If no extension is granted, the conditional grant will lapse and a new application will be required. While conditional grants will usually be used to provide commercial certainty where there is a requirement to construct, refurbish or alter proposed licensed premises, they may be used for other purposes at the Commissioners discretion.

For example, the grant may be conditional on the applicant obtaining appropriate finance.

DINNER THEATER means any licensed premises which is used exclusively for the presentation of live theatrical performances to patrons who have purchased tickets entitling them to be served a full meal, which excludes the serving of snacks as the primary meal, and where such meals are, in fact, served or offered to each patron, and where alcohol is not served more than two hours before or more than one-half hour after the presentation of the theatrical performance.

**EVENT MEADOW, RIVERFRONT PARK means that area of the Riverfront**

**Park designated to be used for public functions where alcohol may be served. The area is defined as the grassy area bounded on the east and west sides by, but not including, the straight sections of sidewalk that run south from the landscaped area south of the interactive water feature north to, but not including, the curved sidewalk north of St. Mary Street. These boundaries shall be clearly marked by the requestor in accordance with the guidelines established in conjunction with a Special Event Application. Sale, provision or distribution of alcohol will be done in accordance with the same guidelines as described for the PIER detailed later in this section.**

GOLF COURSE means a terrain open to the public, in general consisting of at least nine holes, which is devoted exclusively to the game of golf and no other recreation or entertainment. The term shall not include miniature or obstacle golf establishments.

GRANDFATHER CLAUSE means an exception to the restrictions regarding licensed premises that allows businesses already holding a current liquor license to continue with existing conditions for a period of six months from the date of the adoption of this code or until the renewal of such license, whichever is longer.

HOTEL-MOTEL for purposes of this Chapter shall mean a structure or complex of structures kept, used, maintained and held out to the public to be a place where food may actually be served and consumed and sleeping accommodations are offered for adequate compensation to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guests and which may have one or more public dining rooms where meals are served to such guests.

IBC means the International Building Code most currently adopted by the City of Pekin.

IFC means the International Fire Code most currently adopted by the City of Pekin.

LICENSED PREMISES means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to such place or location.

LICENSED PREMISES, in respect to all liquor licenses except C Class Special Licenses where approved by the Local Liquor Commissioner, must be a permanently erected roofed structure or a Beer Garden as defined above. (Ord.

No. 2339 09/22/03)

MINORS means any persons under the age of twenty-one (21).

NFPA101 LIFE SAFETY CODE means the National Fire Protection Association most currently adopted by the City.

OCCUPANCY PERMIT means the number of people allowed in a structure as per the IFC and NFPA101.

PACKAGE LIQUOR STORE means any person who sells or offers for sale any alcoholic liquor for use or consumption not upon the licensed premises, and not for resale in any form.

PERSON means any person, firm partnership, club, association or corporation.

PIER means West of the easterly right-of-way of Front Street to the Illinois River, south of the southerly right-of-way of Caroline Street and north of the northerly right-of-way of Court street in the Original Town, now City of Pekin, Tazewell County, Illinois. (Ord. No. 2337 08-11-03) Sale, provision or distribution of alcohol shall be for consumption only within an approved, enclosed site within the above defined Pier area between the hours of 12:00 p.m. and 11:00 p.m., everyday except Sunday. There will be a maximum of four licenses issued per applicant per year, with no more than one license per month per applicant. Sound amplification may be used, but all speakers must be placed so that the amplified sounds and/or music are directed out over the river, not towards the City. Applicants must submit a site plan for the proposed event to the Local Liquor Commissioner, designating the enclosures and schedule of events for approval. Applicants must also submit a "Special Events Application", to the Chief of Police, who shall promulgate rules, regulations and other restrictions, including, but not limited to: safety and health issues, litter removal, additional security to monitor underage drinking and insure that the beer and/or wine are not carried outside of the approved site.

PLACE OF AMUSEMENT means every bowling alley, pool or billiard facility or facility whose primary income is from amusements.

PREMISES means that area defined by the license applicant as containing the sale and consumption area of the licenses premises. Said premises shall not include vehicular parking areas, cloak or coat rooms, restrooms, storage rooms (except for storage areas that contain alcoholic liquors for automated or manual dispensing and are connected to outside dispensers) or other areas in violation of Tazewell County, Illinois, Health Department regulations. Premises may be defined, in the case of a Hotel-Motel, to include resident rooms serviced by room service or in room automated or manual dispensing devices.

PRIVATE PARTY means an assembly of persons at a licensed retail establishment at a time when that area of the establishment is not open to the public, and is limited to invited guests of the individual or entity sponsoring the party.

RESIDENT means any person, corporation, partnership, estate or trust, that inhabits or occupies a dwelling or place of business within the City of Pekin.

RESTAURANT means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity, and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests, where the sale or consumption of alcoholic liquors is only incidental to the serving of meals and which possesses a Level 1 or Level 2 Tazewell County Health Department Retail Food Service Permit, (whose regulations are currently in force or hereafter adopted) and who has a Tazewell County Health Department licensee meeting the qualifications to operate a Level 1 or Level 2 food service facility present as required by the Tazewell County Health Department.

SELL AT RETAIL OR SALE AT RETAIL includes all sales for use or consumption and not for resale in any form.

TAVERN means every building or structure, licensed under this chapter which is kept, used, maintained, advertised, or held out to the public, as a place where alcoholic liquor is sold and consumed on the licensed premises as the primary monetary function of the business.

**UNOBSTRUCTED VIEW means a view whereby face, body and hands of the patrons are in full view from a distance of 10 feet with minimal hindrances.**

VARIATIONS means changes of conditions attached to a liquor license. Such variations should include the insertion of new conditions, the removal of existing conditions and changes to existing conditions. Such variations may be made in response to an application for a variation by the licensee or at the discretion of the commissioner. This will enable licensees to be kept up to date during the current year. For example, an applicant may apply to have conditions removed should the high risk behavior that led to the conditions cease to exist. Similarly, the commissioner may impose conditions during the life of the license should the licensee commence activities at the licensed premises that increase risks. It also allows the commissioner to respond to licensees that are coming to the notice of the enforcement authorities because of unwelcome behavior by imposing conditions rather than, or in addition to, having license suspended or revoked. If the commissioner determines to vary the conditions of a license, the licensee shall be informed in writing, and will be given the right to be heard by the

commission or commissioner.

WINE means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as defined herein.

### 3-3-2: LOCAL LIQUOR COMMISSIONER:

A. Mayor To Serve As: The Mayor is hereby authorized to be the Local Liquor Commissioner and shall be charged with the administration of the Dram Shop Act, and of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The Mayor may appoint a person or persons to assist the Commissioner in the exercise of the powers and the performance of the duties provided for such Local Liquor Commissioner.

B. Powers, Duties and Functions: The Local Liquor Commissioner shall have the following powers, functions and duties with respect to local liquor licenses:

1. To grant or refuse an application for a license, to suspend for not more than thirty (30) days, or revoke for cause, any local license issued to persons or entities for licensed premises within the Commissioner's jurisdiction, and to impose fines as authorized in Section 3-3-12(F).
2. To attach and/or vary conditions, where necessary, to any license that extends or restricts the circumstances under which alcohol may be supplied or requires certain actions of the licensee. Such conditions will be intended to permit the proper functioning of the licensed business, to ensure that alcohol is supplied responsibly and safely and to assist the enforcement or emergency services.
3. To enter or to authorize any law enforcement officer to enter, at any time, upon the licensed premises licensed hereunder to determine whether any of the provisions of the State law or City ordinance, or any rules or regulations adopted by the Commissioner or by the State Commission, have been or are being violated, and at such time to examine the licensed premises of the licensee in connection therewith. Any person or persons appointed by the Local Liquor Commissioner pursuant to this section shall have the power given to the Local Liquor Commissioner by this subsection.
4. To receive complaints from any citizen within the Commissioner's jurisdiction that any of the provisions of the State law or of this Chapter have been or are being violated, and to act upon such complaint(s) in the manner provided by law.

5. To direct payment of local liquor license fees to the City Clerk.

6. To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the State of Illinois Liquor Control Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee or respondent; and to hear testimony and take proof for his/her information in the performance of his/her duties; and for such purposes, to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Local Liquor Commissioner under this section, the Commissioner may authorize his/her agent to act on his/her behalf.

7. To order, upon the issuance of a written order, the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, if the Local Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community; except that if such licensee shall also be engaged in the conduct of another permitted business on the licensed premises, such order shall not be applicable to such other permitted business or businesses.

8. To appoint a Local Liquor Commission.

### 3-3-3 LOCAL LIQUOR COMMISSION

(a) A local liquor commission is created consisting of seven (7) members, including the Chief of Police and the Fire Chief, appointed by the Local Liquor Commissioner, subject to the advice and consent of the City Council, for the following terms: one (1) member shall be appointed for a term ending one year from date of appointment; two (2) members shall be appointed for a term ending two years from date of appointment; and two (2) members shall be appointed for a term ending three years from date of appointment. All appointments thereafter shall be for a term of three (3) years each. **A Commission Member may be reappointed for a succeeding three (3) year term by the Liquor Commissioner. After a second term appointment, a Member will not be permitted to be eligible for consideration of serving on the commission until a three year period has elapsed.** Members shall hold office for their designated terms and until their successors have been appointed. No license holder shall be appointed to the commission. (Ord. No. 2413 02/28/05)

(b) **A chairperson will be elected by a majority vote of the Commission Members annually at the first scheduled meeting in March and immediately assumes the position. The Chairperson may only serve for a period of two years.**

(c) The Commission shall have and exercise the following duties and powers:

1. To establish the licensing and application procedure.
2. To receive, review and consider all applications and the investigation of applicants for liquor licenses and to submit findings and recommendations to the Local Liquor Commissioner setting forth its conclusions regarding such applications.
3. To recommend the inclusion of any conditions to be endorsed on the license.
4. To be present at disciplinary hearings conducted by the Local Liquor Commissioner in order to hear testimony and to submit its findings and recommendations to the Local Liquor Commissioner, setting forth its conclusions regarding the existence and nature of any violations and recommending the appropriate disciplinary action to be taken, if any.
5. To keep written records of its meetings and proceedings.
6. To schedule meetings on an "as needed" basis.
7. Such other duties as determined by the Local Liquor Commissioner.

(d) Notwithstanding any other provision to the contrary contained elsewhere in this chapter, the Local Liquor Commissioner may appoint the Liquor Commission to assist the Local Liquor Commissioner in the exercise of any of the powers and duties of the Local Liquor Commissioner as set forth in this chapter.

#### 3-3-4: LICENSING REGULATIONS:

3-3-4-1: LICENSE REQUIRED: It shall be unlawful to sell or offer for sale at retail in the City any alcoholic liquor without having a retail liquor license, or in violation of the terms and conditions of such license.

3-3-4-2: APPLICATION: Applications for liquor licenses shall be made to the Local Liquor Commissioner, in writing, signed by the applicant, if an individual or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

- A. In the case of an individual, the full name, date of birth, place of birth, social security number, and address of the applicant; in the case of a partnership, the persons entitled to share in the profits thereof, their full names, dates of birth, places of birth, social security numbers and addresses; in the case of a corporation, the objects for which organized, the names, dates of birth, places of birth and social security numbers and addresses of the officers, directors, and all persons owning directly or beneficially more than five percent (5%) of the stock of such corporation, the percentage of stock owned by each, and the persons acting as managers or assistant managers of the licensed premises. **Should the corporation be a stock exchange publicly traded corporation, then the requirement data requested of any stockholder of said corporation is waived.**
- B. The citizenship of the applicant, and, if a naturalized citizen, the time and place of his/her naturalization.
- C. The character of business of the applicant.
- D. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued. The length of time the applicant, or if a corporation, the manager of whose liquor business hereunder, has resided in the City prior to the submission of the application.
- E. The amount of goods, wares and merchandise on hand at the time original application is made.
- F. The location and description of the licensed premises or place of business which is to be operated under such license, **with a detailed site plan including, but not limited to, plans showing the layout of the interior of the premises to be licensed with the location of all of the exterior doors, bathrooms, tables, chairs and other fixtures.**
1. If a leased licensed premises, a copy of the Lease shall be provided as required and shall be for a term of sufficient length to encompass the period of the license sought.
  2. The name and address of the owner or owners of the licensed premises and the names and addresses of all the owners of the beneficial interest of any trust if said licensed premises is held in trust.
- G. A statement whether applicant has made application for a similar or other license on licensed premises other than described in this application, and the disposition of such application.

- H. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State, or other ordinances of this City.
- I. Whether a previous license by any State or subdivision thereof, or by the Federal government has been issued. If so, where and when, or if any such license has been revoked, the reasons therefor.
- J. The date of incorporation, if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business in Illinois if a foreign corporation.
- K. A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States, or any ordinance of the City in the conduct of his/her place of business.
- L. That adequate dram shop insurance is in force covering the applicant and the licensed premises which are to be operated under such license. Further, in addition to the foregoing statement made under oath, all applicants shall be required to attach to said application as proof of insurance a copy of the policy for dram shop insurance coverage, which policy shall contain at a minimum the following information: insurer's name, agent's name, date of expiration of policy, amount of coverage and type of coverage.
- M. If said application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least two (2) members or the president and secretary of a corporation.
- N. In addition to the foregoing information, such application shall contain such other and further information as the Illinois Liquor Control Commission and Local Liquor Commissioner may by rule or regulation not inconsistent with law prescribe.
- O. All applications shall be upon forms provided by the Local Liquor Commissioner, and each completed application shall be submitted to the City Clerk fifteen (15) days prior to the regular meeting of the Liquor Commission.

The Local Liquor Commissioner shall issue a written acceptance or rejection of an application within sixty (60) days of its receipt by the Local Liquor Commissioner or City Clerk in his or her behalf; or shall notify an applicant of the reasons for further time being necessary to complete the investigation or processing; or shall schedule a hearing on such application as allowed by 235 ILCS 5/7-10.

P. That any applicant for a first and initial City liquor license may be fingerprinted whether said applicant be an individual or a partnership. Should the applicant be a corporation, the Local Liquor Commissioner may, on the advice of the Liquor Commission, and within his/her discretion, require the following to be fingerprinted:

The officers, manager or director thereof, or any stockholder or stockholders owning in the aggregate of more than five percent (5%) of the capital stock of said corporation.

All such fingerprinting shall be done by the City Police Department or such other law enforcement agency approved by the Chief of Police. Said fingerprints shall be submitted to the appropriate State and/or Federal agencies for processing as available. **A fee of sixty (\$60) dollars per person will be charged at the time of application.**

3-3-4-3: INITIAL LICENSE APPLICATION FEE: The applicant shall pay an application fee of **\$150.00** upon application for his/her first and initial license which fee shall be non-refundable and not allocated towards any license fees as herein provided. This fee is to defray the costs of investigation of applicant and the processing of the initial application.

3-3-4-4: RESTRICTIONS ON ISSUANCE OF LICENSE: No license of any kind shall be issued to:

A. A person who is not a resident of the state of Illinois for a period of one year prior to making of the application for license and who is not a resident of the City of Pekin for a period of 90 days prior to the making of the application for license.

B. A person who is not of good character and reputation in the community in which he resides.

C. A person who is not a citizen of the United States.

D. A person who has been convicted of a felony under any Federal or State law, unless the Local Liquor Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Local Liquor Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

E. A person who has been convicted of any criminal offenses under 720 ILCS 5/11.

F. A person whose liquor license issued under this Chapter or any similar regulatory Ordinance or Statute in any jurisdiction has been revoked for cause.

G. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

H. A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the City of Pekin.

I. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the City of Pekin.

J. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" to transact business in Illinois.

K. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

L. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or has forfeited his or her bond to appear in court to answer charges for any such violation.

M. A person who does not beneficially own the licensed premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

N. Any law enforcing public official, including any mayor or member of the City Council; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor in the City of Pekin.

O. A person who is not a beneficial owner of the business to be operated by the licensee.

P. Any person, firm or corporation not eligible for a State retail liquor dealer's license.

Q. A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of Section 28-1 of, or as proscribed by Section 28-3 of the "Criminal Code of 1961," approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

R. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.

S. A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

T. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20% of the stock of such corporation has been issued a federal wagering stamp for the current tax period.

U. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

V. Person or corporation for the purpose of sale of alcoholic liquor at any premises from which produce, grocery, meat or drug products are sold or offered for sale, unless such sale of alcoholic liquor is made from an area physically separated from the other portion of the premises in the following manner:

1. The separate area for the sale of alcoholic liquor shall have its own entrance and exit, which shall provide and limit ingress and egress from the separate area to the exterior of the structure, for patrons purchasing said alcoholic goods;
2. The separate area shall be physically separated from the premises selling other products by a permanent wall or walls, which shall extend from the floor of the structure to the ceiling of the structure, except that there may be provided an access, for ingress and egress through said wall to the other portion of the building;
3. The separate area for the sale of alcoholic liquor shall have its own check-out counter within the separate area, which check-out counter shall be the sole check-out point for the separate area and all alcoholic liquor sales shall be made at the designated check-out counter in the separate area;
4. All alcoholic liquor stored for sale shall be stored:
  - a. Within the separate area; or

- b. Within other premises having its own entrance and exit, which entrance and exit shall be secured and monitored to prevent access to said other premises by minors under the age of twenty-one.

W. Any premises from which products and services not related to the sale of alcoholic liquor are sold or offered for sale.

3-3-4-5: CLASSIFICATIONS AND LICENSE FEES: There shall be the following classes of licenses subject to the fees indicated:

A. CLASS A: Class A licenses shall authorize the retail sale of alcoholic liquors for consumption on the licensed premises in accordance with the Illinois Liquor Control Act, this ordinance and any conditions specified on the license by the City Liquor Commissioner.

CLASS A LICENSE FEES:

|                                                      |                   |
|------------------------------------------------------|-------------------|
| No Restriction On Range Of Alcohol                   | \$1,200 per annum |
| Restricted To Beer And Wine Only                     | \$ 800 per annum  |
| Issued To A Club, No Restriction On Range of Alcohol | \$ 500 per annum  |
| Issued To A Club, Restricted To Beer And Wine Only   | \$ 200 per annum  |

B. CLASS B: Class B licenses shall authorize the retail sale of alcoholic liquors in sealed containers for consumption off the licensed premises in accordance with the Illinois Liquor Control Act, this ordinance and any conditions specified on the license by the City Liquor Commissioner.

CLASS B LICENSE FEES:

|                                    |                   |
|------------------------------------|-------------------|
| No Restriction On Range Of Alcohol | \$1,200 per annum |
| Restricted To Beer And Wine Only   | \$ 800 per annum  |

C. CLASS C: Class C licenses shall authorize the short-term or limited supply of alcohol or temporarily extends the conditions of existing licenses in accordance with the Illinois Liquor Control Act, this ordinance and any conditions specified on the license by the City Liquor Commissioner. Class C licenses shall not be issued when, in the opinion of the Local Liquor Commissioner, a Class A or a Class B license is more appropriate.

CLASS C LICENSE FEES:

|                                                                                        |                                                 |
|----------------------------------------------------------------------------------------|-------------------------------------------------|
| Beer And Wine Only (Max. 12 per year)                                                  | \$25.00 per day                                 |
| No Restriction On Range Of Alcohol (Max. 12 per year)                                  | \$50.00 per day                                 |
| Not For Profit or Charitable Applications For The Pier**<br>or Riverfront Event Meadow | Residents \$50 per hr*<br>Others \$100 per hr*  |
| All Other Applications For the Pier<br>or Riverfront Event Meadow                      | Residents \$100 per hr*<br>Others \$200 per hr* |
| All Other Fees For C Class Licenses                                                    | To Be Determined By*<br>Liquor Commissioner     |

\*Additional Fees To Be Determined By Liquor Commissioner To Reflect Expenses For Security, Safety and Health.

\*\* Not For Profit or Charitable Applications only may also apply for a Class C License for the area on Court Street between 4th and 5th Streets, and Capitol Street between Court Street and Elizabeth Street. Only one event at a time will be allowed.

3-3-4-6: RECORD OF LICENSES: The City Clerk shall keep a complete record of all such licenses issued and shall furnish the Chief of Police with a copy thereof; upon revocation or suspension of any license, the City Clerk shall immediately give written notice thereof to the Chief of Police.

3-3-4-7: TERM OF LICENSE; PRORATING FEE: Each license issued hereunder shall terminate on April 30 following the issuance thereof. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

3-3-4-8: TRANSFER OF LICENSE: A license shall be a purely personal privilege, effective for a period not to exceed one year after issuance unless sooner revoked as in this Ordinance provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee, and shall not descend by the laws of testate or intestate devolution; provided that executors or administrators of the estate of any deceased licensee, and the

trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee.

3-3-4-9: RENEWAL OF LICENSES: Any licensee may renew his or her license at the expiration thereof; provided, that he or she is then qualified to receive a license, and the licensed premises for which such renewal license is sought are suitable for such purpose; provided, further, that the renewal privilege herein provided for shall not be construed as a vested right.

3-3-4-10: DISPLAYING LICENSE AND OCCUPANCY PERMIT: Every licensee shall cause the license or licenses and occupancy permit to be framed and hung in plain view available for inspection at all times in a conspicuous place behind the bar on the licensed premises.

3-3-5: SALES REGULATIONS:

3-3-5-1: CLOSING HOURS: It shall be unlawful to keep open for business or to sell or offer to sell any alcoholic liquor between the hours of 1:00 A.M. and 6:00 A.M., Monday, Tuesday, Wednesday, Thursday, Friday and Saturday and between the hours of 1:00 A.M. and 10:00 A.M. on Sunday, except on January 1 between the hours of 2:00 A.M. and 6:00 A.M.; if January 1 is a Sunday, between the hours of 2:00 A.M. and 10:00 A.M.; provided, however, the licensee shall be permitted one-half hour after closing time to clear the licensed premises of customers.

3-3-5-2: LOCATION RESTRICTIONS: No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where such church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

**3-3-5-3: VIEW FROM STREET:** In premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant, hotel, recreational facility or club) no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on the licensed premises and any rooms accessible to the patrons thereof shall be continuously and adequately lighted during business hours so as to afford patrons safe movement therein and allow for proper monitoring of emergency medical equipment. All premises licensed under the provisions of this chapter must be adequately lighted in the case of an emergency, and for inspection and monitoring by police and fire authorities. Visibility will be considered sufficient if the number and identity of persons inside the premises is clearly discernable. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee, or be permitted to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the Mayor shall have the right to require the filing of plans, drawings, and photographs showing the clearance of the view as above required.

Where the conditions required under 3-3-5-3 above cannot be met because the licensed premises are situated on a floor other than the ground floor, the Local Liquor Commissioner may approve the issue of a license subject to the following conditions:

At least one stairway shall be of adequate width (depending on the number of persons permitted on the premises) with a minimum of 6 ft with a center rail.

Stairway grade shall comply with the IBC most currently adopted by the City of Pekin.

At least two stairways providing exit to street level shall exist from any part of the premises above or below street level.

All requirements regarding emergency lighting, illuminated Exit signs and other NFPA101 Code conditions shall be fully met and maintained.

Emergency Exit doors of adequate width (depending on the numbers permitted on the premises) but at least 36 inches wide are required and shall be fitted with satisfactory tamper alarms.

A Knox box accessible by fire services shall be installed at the primary means of access to the premises.

Mirrors, placed so as to provide those entering the premises from stairways or other areas with restricted vision with a clear view of the interior of the premises, shall be installed.

Tamper proof closed circuit cameras **with approved Ground Floor Monitors**.

Approved sprinkler systems shall be installed in all areas above, below or at street level where members of the public are permitted.

The premises shall meet the **most recent** requirements of all National, State and City codes and ordinances which go to matters relating to the safety and well being of all persons using or otherwise impacted by the operation of the premises as licensed premises.

All licensees holding a current local liquor license shall be grand fathered regarding the above restrictions and conditions for a period of six months from the adoption of this code or until the next date of license renewal, whichever shall be the longest.

3-3-5-4: **SANITARY CONDITIONS:** All premises used for retail sale of alcoholic liquors shall be kept in a clean and sanitary condition and shall be kept in full compliance with the county laws and ordinance provisions regulating the conditions of licensed premises used for the storage of food for human consumption.

3-3-6: **EMPLOYEES:**

- A. **Diseases:** It shall be unlawful to employ in any licensed premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any licensed premises or to engage in any way in the handling, preparation or distribution of such liquor.
- B. **Qualifications:** It shall be unlawful to employ any person, except waiters and waitresses, not possessing the same qualifications as are necessary for the applicant to possess in order to secure a license under this Chapter, except the requirement as to citizenship in the United States and residency in the City of Pekin.

C. Under Twenty-One (21) Years of Age: It shall be unlawful to employ at a licensed premises other than a Club, Hotel, Motel or Restaurant, with or without compensation, or in any way directly or indirectly, use the services of an individual under the age of twenty-one (21) years. It shall be unlawful in a Club, Hotel, Motel or Restaurant,

(i) for any individual under the age of twenty-one (21) years to pour any alcoholic liquor; and

(ii) for any individual under the age of eighteen (18) years to serve any alcoholic liquor

### 3-3-7: SALES TO PERSONS OF NONAGE, MENTAL INCOMPETENTS AND INTOXICATED PERSONS:

A. No licensee or officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person, or to any person known to be insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years. It shall be unlawful for any person under the age of 21 years to misrepresent his/her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the City where alcoholic liquor is sold.

B. In every place in the City where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall be supplied by the City Clerk and which shall read substantially as follows:

#### WARNING TO PERSONS UNDER THE AGE OF 21 YEARS

You are subject to a fine up to \$500.00 under the ordinances of the City of Pekin if you purchase or attempt to purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

C. It shall be unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any person under the age of 21 years to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any person under the age of 21 years who is accompanied by his or her parent or legal guardian, or to that portion of any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor. In the case of a restaurant that holds a retail liquor license, once the kitchen has closed, all minors, except those accompanied by a parent or legal guardian, must leave the premises. In addition to all other fines and penalties, the Local Liquor Commissioner may suspend or revoke the liquor dealer's license for any violation of this subsection.

3-3-8: DUTY TO REPORT VIOLATIONS: Every licensee shall immediately report any violations of Federal and State laws and City Ordinances that occur on the property to the Pekin Police Department. Failure to make such report shall be a violation of this Ordinance.

3-3-9: TELEPHONE ON PREMISES: Each licensee shall maintain on each licensed premises not less than one hard wired telephone in operating order, which telephone must be within the easy access of the bartender or other responsible person in charge of the premises, for the purpose of reporting to the police department incidents as described immediately above.

3-3-10: ENTRY POWERS FOR INSPECTIONS: Any officer of the Pekin Police Department, Pekin Fire Department and the Pekin Inspections Department shall be and is hereby designated and empowered to enter any licensed premises in the City in the performance of his/her duties for the purpose of inspection of said licensed premises. All establishments licensed under this chapter, with the exception of hotels/motels and clubs, shall have the doors to all sections of the establishment used for the consumption and/or retail sale of alcoholic beverages unlocked at all times during which the premises are open for business, and shall permit police officers and firefighters unobstructed access to all such areas. Any attempt made to deny said personnel access to said licensed premises shall be grounds for revocation of license.

3-3-11: VIOLATION OF RETAILERS' OCCUPATION TAX ACT: In addition to other grounds specified in this Ordinance, the Local Liquor Commissioner may refuse the issuance or renewal of a retail license, or suspend or revoke such license, for any of the following violations of the "Retailers' Occupation Tax Act," approved June 28, 1933, as amended.

- A. Failure to make a tax return.
- B. The filing of a fraudulent return.
- C. Failure to pay all or part of any tax, fee or penalty, finally determined to be due to any government body.
- D. Failure to keep books and records.
- E. Failure to secure and display a certificate or sub-certificates of registration.
- F. Willful violation of any rule or regulation of the Department relating to the administration and enforcement of tax liability.

3-3-12: SUSPENSION, REVOCATION, FINE AND COSTS: The Local Liquor Commissioner may, in accordance with law and the provisions of "An Act Relating to Alcoholic Liquor," approved January 31, 1934, as amended, revoke or suspend any license issued by the Local Liquor Commissioner if the Local Liquor Commissioner determines that the licensee has violated any of the provisions of said Act or of any ordinance or resolution enacted by the corporate authorities of the City, or any applicable rule or regulation established by the Local Liquor Commissioner or the State Commission which is not inconsistent with law. However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the local liquor commissioner with a 3 day written notice to the licensee affording the licensee an opportunity to appear and defend. If the licensee is unavailable, an agent must be named who may accept service. The Local Liquor Commissioner will 235 ILCS 5/7-5, 235 ILCS 5/7-7, 235 ILCS 5/7-9, 235 ILCS 5/7-12, and 235 ILCS 5/7-13 of Illinois Compiled Statutes, are incorporated herein by reference and made a part of this Chapter, except that the Local Liquor Commissioner shall, within fifteen (15) days after the hearing, if the Local Liquor Commissioner determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension, and shall serve a copy of such order within the fifteen (15) days upon the licensee or his /her agent.. Review of decisions of the Local Liquor Commissioner shall be as provided for in 235 ILCS 5/7-9, and shall be a record review.

At all times during the term of a suspension ordered by the Local Liquor Commissioner, the licensee shall display a sign no less than four (4) square feet containing the following information:

No alcoholic liquor will be sold at this  
location from \_\_\_\_\_  
to \_\_\_\_\_, due to  
the suspension of liquor license.

By order of the City of Pekin Local  
Liquor Commissioner.

Said sign shall be located in plain view of any person immediately upon entering the licensed premises and shall be clearly legible by such a person.

B.     Assessment Of Costs Of Hearings: Any licensee determined by the Local Liquor Commissioner to have violated any of the provisions of "An Act Relating to Alcoholic Liquor" approved January 31, 1934, as amended, or any ordinance or resolution of the City, or any rule or regulation established by the Local Liquor Commissioner, or the State Commission, shall pay to the City of Pekin the costs of the hearing before the Local Liquor Commissioner on such violation. The Local Liquor Commissioner shall determine the costs incurred by the City for the hearing, including: court reporter fees, the cost of transcripts or records, attorney's fees, the cost of preparing and mailing notices and orders, other miscellaneous expenses incurred by the City. The licensee shall pay said costs to the City within thirty (30) days of notification of the costs by the Local Liquor Commissioner. Failure to pay said costs within thirty (30) days of notification is a violation of this section, and may be cause for license revocation or suspension. In the event of an appeal to the State Commission, and in cases where appeal is taken under the Administrative Review Act, payment is due forty (40) days after entry of an order finally affirming the determination of the Local Liquor Commissioner.

C.     Forfeiture Of Fees: Whenever any license hereunder has been revoked as provided for in this Chapter, the licensee shall incur a forfeiture of all monies that have been paid for said license.

D.     Use Of Licensed Premises After Revocation: When a license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of manufacturing, distributing or selling alcoholic liquor in the licensed premises described in such revoked license unless the revocation order has been vacated or unless the revocation order was entered as to the licensee only.

E.     Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business if the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

F.     Penalty: Any person violating any provision of this Chapter shall be fined not less than \$100.00 nor more than \$500 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

G.     The remedies afforded in this Section 3-3-12 are not exclusive, and any such sums assessed there under may be collected as any other debt.

3-3-13: SEVERABILITY:

(a) It is the intention of the City Council that each separate provision of the Chapter shall be deemed independent of all other provisions therein, and that if any provision of this Chapter is declared invalid, all other provisions thereof shall remain valid and enforceable.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 2  
SECTION 5 OF THE CODE OF THE CITY OF  
PEKIN 1995 REGARDING MOTOR FUEL TAX**

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

**WHEREAS**, under Article VII, Section 6(a), of the Illinois Constitution of 1970, the City of Pekin is a home rule municipality, and desires to exercise its rights and powers as a home rule municipality in this matter; and

**WHEREAS**, the City Council has levied and imposed upon the purchase of each gallon of motor fuel a tax at the rate of (\$.04) per gallon; and

**WHEREAS**, the City Council has determined to promote and encourage the use of alternate fuel in vehicles as a means to improve our air quality; and

**WHEREAS**, the City Council believes that the exemption of the (\$.04) per gallon tax on E85 blend fuel will further that improvement; and

**WHEREAS**, Aventine Renewal Energy and MGP , both Pekin Companies, produce an alternate fuel; and

**WHEREAS**, under 415 ILCS 120/5, the General Assembly declares that it is the public policy of the State to promote and encourage the use of alternate fuel in vehicles as a means to improve air quality in the State; and

**WHEREAS**, the City Council supports the use of alternate fuel, specifically E-85, a blended fuel consisting of 85% ethanol and 15% gasoline; and

**WHEREAS**, under 415 ILCS 120/30, the Environmental Protection Agency has decided

that rebates shall be issued under certain circumstances for owners of vehicles using domestic renewable fuel, one such rebate being a fuel cost differential rebate; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City to eliminate the motor fuel tax rate of (\$.04) per gallon on the purchase of the alternate fuel, E-85.

**WHEREAS**, the City Council has determined that it is in the best interests of the City to amend the City Code regarding Motor Fuel Tax.

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

1. That Title 3, Chapter 2, Section 5 be amended by the addition of the following definition:

E-85 Blend Fuel: A fuel consisting of 85% ethanol and 15% gasoline.

2. That Title 3, Chapter 2, Section 5 (C) be amended by adding the words “AND EXEMPTIONS” to read as follows:

**C. TAX IMPOSED AND EXEMPTIONS**

3. That Title 3, Chapter 2, Section 5 (C) (i) be amended by exempting the imposition of the (\$.04) tax specifically and exclusively on the retail fuel sales of E-85 fuel as follows:

**C. TAX IMPOSED AND EXEMPTIONS**

(i) There is levied and imposed upon the purchase of each gallon of motor fuel, or fraction thereof sold at retail within the corporate limits of the City, irrespective of the unit of measure in which it is actually sold, a tax at the rate of (\$.04) per gallon, **except on the retail sale of E-85, which shall be exempt from the (\$.04) per gallon tax.**

The tax herein levied shall be paid in addition of any and all other taxes and charges, but such other taxes and charges shall not be construed as part of the purchase price upon which the tax herein is levied.

**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 \_\_\_\_\_, 2006; and upon roll call the vote was as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAINING: \_\_\_\_\_

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2006.

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MAYOR

ATTEST:

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CITY CLERK



CITY of PEKIN  
MOTOR FUEL TAX RETURN

SECTION I.

Business Name: \_\_\_\_\_ Taxpayer (EIN) Number: \_\_\_\_\_  
Local Address: \_\_\_\_\_ IL Business Tax Number \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ (Both Required)  
Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_ This return filed for the period:  
Corporate Name: \_\_\_\_\_ From \_\_\_\_\_ 20\_\_ to \_\_\_\_\_ 20\_\_

Under penalty as provided by law, I declare that I have examined this return and accompanying schedules and to the best of my knowledge and belief it is true and correct and is taken from the books and records of the business for which this is filed. All returns must be filed on or before the last day of the calendar month succeeding the end of the filing period.

\_\_\_\_\_  
Taxpayer Printed Name and Title

\_\_\_\_\_  
Preparer's Name and Phone Number

\_\_\_\_\_  
Taxpayer Signature

\_\_\_\_\_  
Preparer's Signature

=====

SECTION II.

|                                   |           |
|-----------------------------------|-----------|
| Total Gross Gallons *             | 1a. _____ |
| Less Gallons of E-85 Fuel *       | 1b. _____ |
| TOTAL NET GALLONS SOLD            | 1c. _____ |
| Motor Fuel Tax (Line 1c x \$0.04) | 2. _____  |
| Late Penalty (Line 2 x 5%)        | 3. _____  |
| Late Interest (Line 2 x 2% x      | 4. _____  |
| # of Months Delinquent)           |           |
| TOTAL TAX and CHARGES             | 5. _____  |
| (Lines 2 + 3 + 4)                 |           |

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\* Attach a copy of your supporting state of Illinois Sales Tax Return(s) to this tax return. Multiple locations should also complete section III.

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|                         |                          |
|-------------------------|--------------------------|
| MAKE CHECKS PAYABLE TO: | CITY of PEKIN            |
| MAIL TO:                | Department of Finance    |
|                         | City of Pekin            |
|                         | 111 South Capitol Street |
|                         | Pekin, IL 61554-4108     |

Taxpayer questions or additional forms,  
Please call (309) 477-2305

**SECTION III.**

**MULTIPLE LOCATION REPORTING**

| LOCATION ADDRESS | Number of Gallons<br>(Net of E-85 Gallons Sold) | MOTOR FUEL TAX |
|------------------|-------------------------------------------------|----------------|
|                  |                                                 |                |
|                  |                                                 |                |
|                  |                                                 |                |
|                  |                                                 |                |
|                  |                                                 |                |
|                  |                                                 |                |
| TOTALS           |                                                 |                |