City of Pekin

REGULAR COUNCIL MEETING RESCHEDULED
TUESDAY, FEBRUARY 24, 2009
5:30 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE
Mayor Rusty Dunn

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 Regular Council Meeting of February 9, 2009.*

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 Monthly Reports and Minutes:** Fire Report, Traffic Safety Committee Minutes February 6, 2009, Liquor Commission Minutes January 22, 2009, and Mayor's Advisory Committee for Persons with Disabilities Minutes January 8, 2009

2. **Receive and File** Pekin Planning Commission Minutes Dated February 11, 2009

3. **Receive and File all Bids for the Improvement Pekin Fire Department Eastside Station #1 removal and replacement concrete 85' x 75'.**

ACTION: *Motion to approve all items listed on the Consent Agenda by Omnibus Vote.*

VOTE REQUIRED TO APPROVE CONSENT AGENDA

VIII. COMMUNICATIONS, PETITIONS, REPORTS
Public Hearing FY 2009-2010 Budget

PRESENTATION: *City Manager Dennis Kief to present summary of line item expenditures proposed for future years.*

IX. NEW BUSINESS

1. **Ordinance No. 2578-08/09 - Regarding Title 3, Chapter 2, Section 7 of the Code of the City of Pekin Establishing a Package Liquor Tax** **(DK/JSW)**
   DESCRIPTION: *Ordinance enacting a tax of 2% of the purchase of alcoholic liquor at retail establishments in the City of Pekin. Effective April 1, 2009.*

   ACTION: *Motion to adopt the Ordinance.*
   VOTE REQUIRED

2. **Ordinance No. 2579-08/09 - Regarding Title 3 Chapter 2, Section 8 of the Code of the City of Pekin Establishing Restaurant, Food, and Beverage Tax** **(DK/JSW)**
   DESCRIPTION: *Ordinance enacting a tax of 2% of the purchase price of food items prepared for immediate consumption in the City of Pekin. Effective April 1, 2009.*

   ACTION: *Motion to adopt the Ordinance.*

   VOTE REQUIRED

3. **Resolution No. 70-08/09 - Budget 2009-2010** **(DK)**
   DESCRIPTION: *Approval of the Fiscal Year 2009-2010 Budget.*

   ACTION: *Motion to adopt the Resolution.*

   VOTE REQUIRED

4. **Agreement for Grade Crossing Improvements with Illinois Central Railroad Company** **(JW)**
   DESCRIPTION: *Council approved expenditure to Illinois Central Railroad Company for crossing and signals based on an estimate of $250,000.00 at the meeting of December 8, 2008. Request to approve agreements and actual costs of $254,145 for the extension of Hanna Drive.*

   ACTION: *Motion to approve agreement.*

   VOTE REQUIRED

5. **Expenditure for Relocating Industrial Spur Servicing Hanna Steel** **(JW)**
   DESCRIPTION: *Cost for Illinois Central Railroad to install new rail switch in order to relocate the existing spur servicing Hanna Steel.*

   ACTION: *Motion to approve the expenditure in the amount of $169.508.00.*

   VOTE REQUIRED

6. **Award Bid Eastside Fire Station Concrete Improvements** **(JW/GR)**
   DESCRIPTION: *Bids were opened publicly on February 13, 2009 to replace the concrete at the Eastside Fire Station that has begun to fail as evident by large cracks and settling.*

   ACTION: *Motion to accept the low bid and award the contract to Illinois Civil Construction Inc. in the amount of $40,535.00 about $4,500 below estimate.*

   VOTE REQUIRED

7. **Resolution No. 71 - 08/09 – Resolution for Maintenance of Streets and Highways** **(DP)**
   DESCRIPTION: *Appropriation of $500,000 Motor Fuel Tax for seal coating operations and possible heat and Scarify based on 5-Yr Street Plan from May 1, 2009-April 30, 2010. MFT funding utilized in addition to Street Department budget, and CDBG funds for a $916,500.00 program.*

   ACTION: *Motion to adopt resolution.*

   VOTE REQUIRED

X. ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council Members
Staff
Public Questions
Press Time

XI. EXECUTIVE SESSION

5 ILCS 120/2 (c.) 3. *Selection, Appointment, Performance, Discipline, or a Vacancy in a Public Office*
5 ILCS 120/2 (c) 5. *The purchase or lease of real property for the use of the public body*

ACTION: *Motion to move to Executive Session.*

VOTE REQUIRED

XII. ADJOURNMENT

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

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 CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY, FEBRUARY 9, 2009 AT 5:30 O'CLOCK P.M.
MAYOR RUSTY DUNN PRESIDING**

PRESENT: COUNCIL MEMBERS, ABEL, BLANCHARD, AND STRAND

ABSENT: KORTKAMP

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The **Pledge of Allegiance** was led by Jake Grys.

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

Mayor Dunn asked that the order of business be suspended to allow for Agenda, Consent, and Minutes items to be taken care of prior to the Public Input and Comcast addressing those concerns. All Council members agreed.

AGENDA

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

CONSENT AGENDA

Motion by Council Member Jones, seconded by Council Member Abel that the Consent Agenda be approved as presented.

Mayor Dunn read presented the following for consideration of the Consent Agenda items by Omnibus Vote.

1. **Receive and File Monthly Reports and Minutes:** Police Report January, Building Permits 2008, Building Permits January, Building Report January, and Liquor Commission Minutes December 8, 2008.

On roll call vote, all present voted Aye.

Motion by Council Member Strand, seconded by Council Member Jones, that the **minutes of the Regular City Council Meeting of January 26, 2009 be approved as written.** On roll call vote, all present voted Aye.

Mayor Dunn gave special recognition to the Jake Grys and the Grys family. He thanked them for opening their hearts and their home. The coming together of all the volunteers during the production of Extreme Makeover Home Edition is what this community is all about. Shannon Tebben Sandoval then presented to the family the last Key to the City with her father's name on it. She said Mayor Tebben would have like to have said thank you.

PUBLIC INPUT ON AGENDA ITEMS

The public was permitted to present any concerns that they were having with the local cable company. The following people addressed council and spoke generally of the dissatisfaction with reduction of channels, lineup changes, pricing packages, increased fee to provide those channels back, inadequate customer service, inconsistent volume, distorted reception.

Jim Mangan, Parkway Drive	Elsie Green, Crestview Drive
Shirley Faichney, State Street	Owen Ewing, Matilda Street
Bernie Riley, Westgate	Bill Hall, Tennel Road
Donna Sharnes, Amanda	Jim DeFries Parkfield
Lois Cofer 2016 Sierra Drive	

Bill Gilroy, 11th Street commented that he was not complaining. The cost was appropriate for providing the service.

Council Members each addressed their concerns and the issues that they had received from the public by emails, phone calls, and personal contact. Council Member Blanchard read and requested that Roger Brandt, Bacon Street be made part of the public record. Mayor Dunn summarized the input of the public as having a common thread of displeasure with customer service.

Attorney Burt Dancey advised Council that the existing franchise agreement renewed in 1995 with Continental Cablevision was for 25 years expired in 2021. Insight Communications Midwest LLC. agreement was assigned to Comcast Corp in August 2007. The City of Pekin as franchise holder had no jurisdiction in program pricing.

John Niebur, District Director of Comcast, was present to answer questions and addressed the issues presented. He noted the company had had only one increase of 6%, they had adjustments to lineups, where switching equipment to correct audio, and have an 800 number to re-route customers during volume calls. The company was trying to close the gap from the purchase, billing conversion, channel changes, etc. but were committed to improving customer service.

COMMUNICATIONS, PETITIONS, REPORTS
Comcast Cable * see Public Input

Third Quarter Financial Report
Treasurer Jim Wolf distributed reports on major revenue sources for the fiscal year and the first 9 months ended January 31, 2009 investment earnings. The investment actual numbers were troubling on the negative side - 43% behind the budgeted amount. The shortfall in total investments was caused by bottom level interest rates on CDs. He noted that investment totals were somewhat distorted because of CD investments that had not yet come to maturity and only money received was recorded. State sales taxes lagged behind budgeted amounts and were down about 10%. In the last 2 months. Home Rule Income Tax and Replacement Tax continued to be even worse as people are out of work. Sales Taxes were higher.

NEW BUSINESS
Motion by Council Member Blanchard, seconded by Council Member Abel, that **ECONOMIC DEVELOPMENT FINANCIAL ASSISTANCE PROGRAM (EDFAP) LOAN BE AWARDED TO SKS PIZZA INC. IN THE AMOUNT OF $55,000.00.** The history of the EDFAP program was dated 1986-2005. Fifty loans were made, 50 released, and 3 went to bankruptcy. In 2008 the guidelines were updated and letters sent to banks informing them of the revised program. Pam Anderson, Director of Community Development, reported to Council on the recommendation of the Loan Review Committee to grant the application to Firehouse Pizza. The $55,000.00 of CDBG dollars would be utilized to assist in filling the gap that was present for the business loan at 2.25%. Risk concerns from Council were addressed. The requirement of the creation of 24 jobs would be monitored and if not created rate of loan would be increased. Owner Stan Cohen addressed the Council and thanked them for their support. On roll call vote, all present voted Aye

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL
Council Member Blanchard encouraged parents to help the city's youth by talking to them about the risks of smoking.

Greg Ranney Director of Solid Waste advised Council and the community that garbage pickup would be delayed one day the week of Presidents Day.

Mayor Dunn requested Council's agreement in rescheduling the 2nd meeting in February to the Tuesday following in order to attend the Annual Legislative Reception on February 23, 2009. All were in favor. He also announced that the annual Council/Staff Retreat was scheduled for Friday June 12, 2009.

Mrs. Ron Faichney, State Street expressed concern that the commercials talking about the positive economic climate in the Peoria Area are in opposition to reports daily of job layoffs. Mayor Dunn advised that the message was timely when produced in early December but the Heartland Partnership was asked to remove the ads last week.

EXECUTIVE SESSION

Motion by Council Member Strand, seconded by Council Member Blanchard, that **Council move to Executive Session** at 7:10 P.M. to discuss 5 ILCS 120/2 (c.) 6. The setting of a price for sale or lease of Municipally Owned Property. On roll call vote, all present voted Aye.

No further business to come before the Council, in open session, Mayor Dunn called the meeting closed.

COUNCIL ADJOURNED AT 7:25 P.M.

Sue E. McMillan
City Clerk

City of Pekin

February 4, 2009

Mr. Dennis Kief
Pekin City Manager
Pekin, IL. 61554

Dear Mr. Kief,

I hereby submit to you the Pekin Fire Department January 2009 report, plus a summary of December 2008.

Charles E. Lauss
Fire Chief
City of Pekin

During the month of January 2009, the Pekin Fire Department responded to 293 calls, total dollar loss was $37,400.00.

During the month of January 2009 (approximately (65.18%) were emergency medical calls, 102 were automatic fire alarms, service calls, small hazardous conditions involving no fire, false alarms.

During the month of December 2008, the Pekin Fire Department responded to 319 calls, total dollar loss was $352,350.00.

During the month of December 2008 (approximately 63.94%) were emergency medical calls, 115 were automatic fire alarms, service calls, small hazardous conditions involving no fire, false alarms.

On January 10, 2009 Fire Fighters responded to a detached garage on fire at 1831 Meadows Ln. Upon arrival heavy smoke from detached garage that was divided into 3 compartments. Garage 24x32 feet, fire along south wall. Entry was made into structure through south entrance door, fire controlled. Garage door was disconnected from opener and opened for ventilation. Completed overhaul. Total dollar loss was approximately $10,000.00.

On January 14, 2009 Fire Fighters responded to a structure fire at 802 Catherine Street. Station

Charles E. Lauss, *Fire Chief*
3232 Court Street, Pekin, IL 61554 _ Phone (309) 477-2388 _ FAX (309) 346-8792

2, first to arrive, found a small fire in the crawl space under the east side of the house. Fire had extended to the lower exterior wall and also to the lower exterior wall of an adjacent laundry room. A 1 ¾ " handline was used to extinguish the fire from the outside, and a small booster hoseline aided in extinguishing hot spots in the wall from inside the laundry room. Portions of exterior and interior walls were removed to ensure there was no further flame spread.

Homeowner was using a propane-fueled heater to thaw frozen water pipes located under the house. The heater was responsible for the fire's ignition. Because of the location, small quantity of fire, and extremely cold temperatures, utilities were not shut off. Occupants returned to the residence after extinguishment and ventilation. Total dollar was approximately $9,000.00.

On January 15, 2009 Fire Fighters responded to a report of a car fire at 425 Herman Street. Upon arrival a car sitting in the driveway was on fire in front of the garage. The fire was in the engine compartment and starting to burn through the dash on the passenger side into the passenger compartment. A 2001 Mercury Sable was sitting next to the fire and sustained damage to the left front corner. We had the owner move the Mercury away and we extinguished the fire in the other car. The owner explained that he was using starter fluid trying to get the Subaru started. In the process flames had back fired out of the carburetor. The car didn't start so he shut the hood and went into the house and a few minutes later some one notified him that his car was on fire. Total dollar loss was approximately $4,200.00.

On January 17, 2009 Fire Fighters responded to a report of a large amount of water coming from the garage at 1302 St. Julian Street. After contact with property owner investigation revealed a burst water pipe located inside garage. Water was shut off to residence and fire dept. personnel removed water from garage. Total dollar loss was approximately $200.00.

On January 27, 2009 Fire Fighters responded to a fully involved mobile home fire. Upon arrival found flames emitting from 2/3rd's of the trailer, occupant was standing outside. Flames were impinging on trailer south of involved trailer. Occupant had first degree burns on his face and second degree burns on hands. He refused treatment and was arrested on outstanding warrants. He appeared confused and disoriented when interviewed by Asst. Chief Cretaro and Firefighter Veatch. Occupant stated he had fallen asleep while smoking or had ignited an oven mitt while trying to light a cigarette. Two 1 ¾" hand lines were advanced from Engine 2 and Engine 3 laid a 5' supply line to Engine 2. Trailer on lot 23 was totaled due to flame impingement and smoke damage. Smoke detector in trailer on lot 23 was in operation upon our arrival. Total dollar loss was approximately $14,000.00.

Total calls for the month of January was 293 and are as follows:

Fires	13
Rescue and EMS	191
Hazardous Materials	8
Other types of calls	81

Total dollar loss for the month of January was approximately $37,400.00.

Total calls for the month of December was 319 and are as follows:

Fires	18
Rescue and EMS	204
Hazardous Materials	24
Other types of calls	73

Total dollar loss for the month of December was approximately $352,350.00.

January 09 Vehicle Report

Air compressor maintenance and air sample
Suburban started (Colsen Building)
Stand by for TRT training
Thornz fire
Ordered portables
Upgraded SCBA
Station 3 stove
EMS Training
Snow removal
Cutters Edge saw repaired
Engine 3 (low fuel pressure)
Engine 3-pump test, B- maintenance
Ladder 1 pump test, B- maintenance, new engine cooler, new pressure gauge
Radio training
Station 3 heat
Repaired Fire 2 rear washer replaced wiper blade
Replaced clocks station 2 and 3
Ladder 3-pump test, B- maintenance, and heater switch, new rear door latch

Fire Prevention Office
January 2009

The month of January was a very busy month for the Pekin Fire Department we performed several business inspections and reviewed the plans to several new buildings under construction.

Jan. 1 Holiday

Jan. 5 Reviewed plans for Prairie View Villas 15 Unit Apartment Bldg.

Jan. 6 Staff Meeting
Illinois American Water Company Meeting at City Hall .

Jan. 7 CPR Class Lake Manor Nursing Home. 2400 N. 8th St.

Jan. 8 230 Court St. Court Place High Rise Safety Inspection

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CPR class Lake Manor Nursing Home 2400 N. 8^{th} St.

Jan. 12 Haz Mat Decon Training At Station # 1.
Pekin High School Walkthrough Inspection.

Jan. 13 Pekin Insurance Lodge Kiwanis Meeting Fire Dept.
Pekin High School Safety Inspection.

Jan. 14 2801 Court St . Inspection new business
Beer Bellys Bar.

Jan. 15 Car Seat Check Station 1 Cancelled

Jan. 19 2220 State St Timbercreek Nursing Home
Knox Box Placement.

Jan. 20 2700 S. 14^{th} St Grand Victorian Hotel Tour

Jan. 21 2700 S. 14^{th} St Grand Victorian Hotel Tour
2801 Court St. Beer Bellys Bar Inspection

Jan. 22 2700 S. 14^{th} St Grand Victorian Hotel Tour.
246 Derby St. New Life Christian Church Inspection.

Jan. 26 Haz Mat Drill Station # 1.

Jan. 27 1810 N. 8^{th} St. # 23 Trailer Fire
2220 State St Timbercreek Nursing Home Knox Box.

Jan. 28 Illinois American Water Company Meeting at City Hall
For Vista Grande Condo Assoc.

Jan. 29 Station # 1 State Rep. Mike Smith Lunch and Learn.

Jan. 31 Pekin Chamber of Commerce Business Expo.

This is a brief overview of January 2009 and December 2008' events from the City of Pekin Fire Department. If you have any questions, please feel free to give me a call.

Respectfully Submitted,

Charles E. Lauss
Fire Chief
City of Pekin

CITY OF PEKIN TRAFFIC SAFETY COMMITTEE MINUTES
FEBRUARY 6, 2009 @ 8:30 a.m.
CITY HALL CONFERENCE ROOM

PRESENT: Joe Wuellner, Denny Kief, Dave Pagliaro, Chuck Lauss, Tim Gillespie, Will Taylor, Joe Berardi. Also present, Lee Ann Wrhel.

Old Business:

1. *Restricted Parking*
   Joe Wuellner distributed a city road map for review. The committee will go out as a group on February 13th to look at streets with traffic safety issues due to vehicles parked on the street.

2. *Downtown Parking/Main Street Meeting*
   Joe Wuellner attended the Pekin Main Street meeting. The Pekin Main Street committee would like to see the diagonal parking on Court Street from 2nd Street to 6th Street. The Traffic Safety committee had discussed diagonal parking on the north side of Court Street from Capitol Street to 4th Street to see how it would work out. Leigh Ann Matthews will be going out to survey all the businesses involved. Joe told Pekin Main Street that all the businesses would have to be on board. He also told them that there is no guarantee that this recommendation would be voted favorably through the Traffic Safety Committee or City Council. The Traffic Safety Committee will wait for a report back from Leigh Ann Matthews.

3. *10th & Washington/McDonalds Update*
   The blinking stop signs have been installed on 10th Street at Washington Street. Tim Gillespie reported that third shift patrol officers have stepped up the monitoring of overnight traffic at the McDonald's lot on lower Court Street. There is business throughout the night but no excessive traffic or noise has been found. Tim will make contact with Mr. Burch on this matter.

4. *Court Street/Stadium Drive Crosswalk Issue*
   Denny Kief made a motion to abide by the IDOT recommendation to not put a crosswalk on Court Street at Stadium Drive for safety reasons. The motion was seconded by Tim Gillespie. All in favor.

5. *Court Street/Commercial Drive Intersection*
   Joe Wuellner will make contact with IDOT to arrange for repairs to the traffic signals at this intersection. At that time the lights can be set up to have one left turn lane on each side, with that traffic directed to go at the same time. This will make the traffic flow better in this location. The necessary signage can be installed on the mast arms.

Around the Table

Will Taylor reported that enforcement has been stepped up again on Parkway near Coal Miner's Park. He was asked to monitor the traffic on Frontage Road. Motorists going down the hill are not stopping at the stop sign.

Respectfully Submitted,
Lee Ann Wrhel

NEXT REGULAR MEETING MARCH 6, 2009 @ 8:30 A.M.

City of Pekin

LIQUOR COMMISSION MINUTES
THURSDAY, JANUARY 22, 2009
3:00 P.M.
CITY HALL COUNCIL CHAMBERS

Deputy Liquor Commissioner Rick VonRohr called the meeting to order at 3:00p.m.

PLEDGE of ALLEIGENCE
VonRohr led the pledge

ROLL CALL
The following members were present for roll call: Deputy Liquor Commissioner Rick VonRohr, Dave Eitenmiller, Fire Chief Lauss, Holly Brown, and Police Chief Gillespie. Also present: Sue Bosich, Assistant Corporation Counsel and Sue McMillan, City Clerk.

APPROVAL OF AGENDA
Lauss made a motion to approve the Agenda as presented seconded by Eitenmiller. Motion passed

APPROVAL OF MINUTES
Gillespie made a motion to approve the December 8th, 2008 minutes as presented, seconded by Brown. Motion passed.

PUBLIC INPUT/COMMENTS/QUESTIONS
Nothing at this time

NEW BUSINESS
Beer Belly's, LLC dba Beer Belly's – new liquor application – Cory Hart and Jeremy Isbell were present for meeting.
Eitenmiller made a motion to recommend a Class A Liquor License to Beer Belly's, LLC dba Beer Belly's on contingent that Ron Sieh from the Inspections Department does his final walk-thru and issues an occupancy permit, seconded by Lauss. Motion passed.
Discussion: Construction still going on. Cory Hart stated new grease traps were installed. Jamie Evans with the Fire Department gave the fire inspection and issued occupancy. Lauss stated he signed off on the Fire alarms and occupancy is posted. Cory will need to finish up with construction and get with Ron Sieh for final walk-thru. Cory stated they want to open first week in February.

Pekin Park District – Discussion on selling alcohol at the two golf courses – Lick Creek and Parkview
Bob Blackwell, Director of Parks and Dick Wherry, Park District Attorney were present. Wherry handed out the Park Districts new Ordinance and the Park Districts Standard Operating Procedures. The new Ordinance was going in front of the Park Board tonight. One section of the Standard Operating Procedures under V. Method of Distribution Wherry and Blackwell will revisit regarding how many alcohol beverages can be sold in clubhouse and from the beverage cart. They stated that the beverage cart would not be operational the whole time; there will be days when it won't be running and they will stop selling alcohol by 10:00pm. Sue Bosich to research the State Statute on "Happy Hour". III Code of Conduct; how will this be policed for golfers not to bring in coolers or drink in the parking lot. Signs will be posted and also staff will be policing the area, if golfers are caught they will be asked to leave. Violations the Park District Police will be called. VonRohr stated he would also like to be called when violations occur. If not reported the licensee will be in violation of the City of Pekin's liquor code. All employees selling or serving alcohol will be 21 years of age and will have to go through a "smart serve techniques" class. The question was asked when they have the High School kids out for tournaments and alcohol is present. It was stated that there would be no need to serve alcohol at these tournaments. There will be two separate liquor licenses. The Park District plans on being back with new applications at the next Liquor Commission Meeting in February.

Any Other Business to Come Before the Commission:
Sue Bosich to research the Articles of Incorporation for the Park District.
Holly Brown stated she will be out of town the last two weeks in February.
Gillespie to email Mayor Rusty Dunn to set up a meeting with him and Deputy Liquor Commissioner VonRohr.

Meeting adjourned at 4:145P.M. Next Meeting: Thursday, February 26th at 3:00pm
Respectfully submitted Paula Gensel

City of Pekin
Mayor's Advisory Committee for Persons with Disabilities
Agenda
January 8, 2009; 4:00 pm

Present: Libby Holbrook, Dick Berger, Norma Bosley, Jim Deford, Leia Stewart, Roy Davis, Tammy Helm, Pamela Anderson, Vicki Bass, Joey Meskiman, Barb Meskiman, Diane Copelen & Angela Davis

Not present: Robert Calvin & Jeanne Choate

I. Welcome and introductions

II. Approval of the December minutes - L. Holbrook 1^{st}, N. Bosely 2^{nd} – correct CityLink spelling; all ayes - approved

III. Old Businesses

   A. Update on CDBG allocation and programs (traffic lights audio component, letter for the CO detectors, university contact & CO detectors)

      1. 2007 ADA sidewalks – this project is completed; entire $412,000 has been expended, plus additional dollars from a State of Illinois grant were used.

      2. Traffic light audio component – this project is completed; expended $17,663.83 of the originally allocated $25,000. The remaining $7,336.17 will be re-allocated within the December 2008 amendment. There were a total of 19 traffic lights that received the audio components.

      3. 2007 Hearing Impaired Carbon Monoxide detectors – this project is completed; entire $4,000 has been expended.

      4. 2008 Hearing Impaired Carbon Monoxide detectors – this program has been reduced from $10,000 to $5,000 for this fiscal year with the December 2008 amendment. So far, for this fiscal year, there has been $1,352 expended, therefore $3,647 remains to be spent. Still awaiting additional names for future meetings. T. Helm, Advocates for Access, provided a list of possible recipients – 159 within Pekin that would need this device. A copy was made of the list and City staff will begin the process.

City of Pekin
Mayor's Advisory Committee for Persons with Disabilities
Agenda
January 8, 2009; 4:00 pm

B. Update on progress from last meetings to do list

1. Due to extenuating circumstances the letter to the recipients of the carbon monoxide detectors was not written or mailed. Although delayed another month, this was a good thing – in a conversation with Chuck Lauss – Fire Chief, the installation of smoke alarms was discussed. It was agreed that the Fire Department will install the carbon monoxide detectors if assistance is requested. Pamela Anderson will serve as the contact person and will arrange the installation.

2. Contact was not made with the University in Moscow, Idaho that is developing the GPS function and magnetic compasses to assist visual impaired pedestrians to navigate safely across intersections. Contact will be made before the February meeting – promise ☺

IV. New business

A. Mr. Christopher "Joey" Meskiman – he distributed a flyer and spoke about the Coalition of Citizens with Disabilities in Illinois (CCDI). Currently he is the team leader. This is a grassroots organization that was founded in 1985 that advocates for the rights for people with disabilities. For over twenty years CCDI has worked to improve the lives of people with disabilities, by teaching the skills needed to affect change through their efforts. CCDI is dedicated to advocating for the rights of all people with all types of disabilities – local, state and federal levels. Their statewide network of advocated connects members to agencies and other community resources through their free information and referral services. He will bring a few copies of the brochure in Braille for the visually impaired. Joey can be reached at 1-877-202-7552 pager, 30/620-2135 cell & 309/346-8145 home phone.

B. Peoria ADA Commission – City of Peoria staff, David Watkins, has been in contact with City of Pekin staff for partnering our groups for a meeting. City of Peoria has a disability awareness day as an annual event in October. Phone numbers were provided to the chairs to set up a meeting.

C. CDBG December Amendment - work has been completed for the 2008 December Amendment in efforts to meet the timeliness test in March. There will be a public hearing on January 22nd at 5:30pm in the City of Pekin Council Chambers and this will go before the City Council for recommended approval at the regularly scheduled Council meeting on January 26, 2009. There is a total of $94,154 being reallocated to the following projects – GIS contour mapping ($36,855), South Side Fire Station boiler ($13,797), smoke and carbon dioxide detectors for the fire departments ($4,203), non-profit facility improvements ($33,000) and an increase of $6,299 for the administrative program (total of $52,000).

V. Around the table

A. The issue of CityLink buses running later in Pekin was discussed. The application for funding has been submitted and the announcement of grant awards is usually made in late spring / early summer.

B. B. Meskiman stated that there was a lack of curb cuts for her son to get to Pekin Hospital for his volunteering. He has to proceed in the streets and has been threatened to get a ticket by police officers. Committee informed her of the completed ADA sidewalk program on the main streets. A little over $412,000 was recently expended for providing access on the main City routes – which were considered the busier streets.

C. A request was made from City Staff for a copy of the Committee's priorities. These will be sent in the mail to J. Meskiman, D. Copelan and R. Davis.

City of Pekin
Mayor's Advisory Committee for Persons with Disabilities
Agenda
January 8, 2009; 4:00 pm

D. At the last meeting, R. Davis volunteered to prepare and complete a survey of the Sunset area in the springtime to assess the need for public transportation bus service. He plans on going door to door to drop off a prepared survey. He will present a survey to the Committee for review and comments.

E. L. Holbrook encouraged everyone to post the CityLink picture opportunity at their offices. This will be taking place at Pekin City Hall, January 14th in the afternoon from noon until four. She also mentioned that TCRC Morton day training center will be having a public open house – more information will be coming from her on this event.

F. T. Helm mentioned to the group the the Penguin Project; featuring "Beauty and the Beast" was happening this weekend (January 10th) and encouraged the group to attend

G. L. Holbrook reminded the group that the Extreme Home Makeover show was airing on January 11, 2009

H. A. Davis stated that she was attending meetings to offer her assistance

I. D. Copelan requested that a wheelchair be available in City Hall

VI. Adjourn – N. Bosley – 1st; L. Stewart – 2nd; adjourned

Next meeting: February 12, 2009 at 4:00 pm

Pekin Planning Commission Minutes

February 11, 2009

Present: Absent:

Jim Bradshaw
Ron Knautz, Chairman
Steve Huey
Chad Schmidgall
Don Hild
Bill Craig, Vice Chairman
Scott Plotner
Richard Cohenour
Michele Long

Chairman Ron Knautz led the Pledge of Allegiance.

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

Staff Present: Ron Sieh and Attorney Dancey.

Chairman Ron Knautz asked for approval of the Agenda.

MOTION by Michele Long, Seconded by Bill Craig to Amend the Agenda to add an Informal On roll call vote, All present voted **AYE. MOTION APPROVED.**

Chairman Ron Knautz asked for approval of the January minutes.

MOTION by Bill Craig, Seconded by Dick Cohenour to Approve the minutes as presented. On roll call vote, All present voted **AYE. MOTION APPROVED.**

City Council Action Report:

January 26, 2009 Council Meeting:
Received and Filed the January 14, 2009 minutes.
Approved the following Hearing:
#08-1773: Site Plan for a Parking Lot located at 1022 Washington Street.

PPC Correspondence: (8) Letters were sent out regarding Hearing #1/ (1) Correspondence through a sealed envelope that each commission member received tonight and (1) Returned.

Application #1: Barb Strand, Representative of Friends of Tazewell CCAC

Hearing #1 (08-1775): Site Plan Review and the expansion of the Special Use for the Advocacy Center with PIN #04-10-03-231-031 and a Legal Description of Broadway Addn N 30’ of Lot 18 & S 23’ of Lot 19 commonly known as 341 Buena Vista in Tazewell County, Illinois.

Open Public Hearing: 6:36pm

Barb Strand gave an overview of the request, stating the purpose of the expansion is for storage space, functionality and State handicap accessibility requirements. There will not be any additional staff and the only clients serviced are in Tazewell County as the other Counties are connected via Satellite. It is required that records are kept for 25 years. She also updated the Commission as to the negotiations with

District 108 regarding the expansion of the districts parking lot on the South end only which is from dedicated land belonging to the Advocacy Center. Mary Ann Ladendorf, facility committee member was also present.

Amy Werner, 335 Buena Vista stated she was present in support of a letter she presented to the commission members. She also expressed her dismay of the expansion further burdening the neighborhood.

Close Public Hearing: 6:52pm

Site Plan Review Committee: Don Hild, Chairman

Don Hild opened discussion to the Commission.

Dick Cohenour questioned why so many parking spaces if staff was not being increased.

Burt Dancey clarified it is in the building code requirements for that number of parking spaces due to the size of the building.

Jim Bradshaw asked for clarification of the parking spaces the Center is negotiating with District 108.

Barb Strand clarified the parking layout. Apologized to the Commission for taking their time and asked that the request be tabled until negotiations are complete.

Glayn Worrell, Director of Finance of District 108 was present and stated they are in support of this expansion and are very positive about the parking offer.

It was suggested by an audience member for the City to purchase the Werner home at a fair market value due to the fact that it is an historical piece of the community from being Everett Dirksen's home. Suggested making it a museum since it still has the piping from the old City steam heating system.

MOTION by Bill Craig, seconded by Chad Schmidgall to Table the request until a completed Site Plan is available after negotiations are finalized with District 108 for the Pekin Planning Commission to view. **On roll call vote, (8) present voted AYE. (1) present/Don Hild voted NAYE. MOTION PASSED.**

Formal for Discussion: Leigh Ann Matthews, Representative of Pekin Main Street

Review of proposed Amendment of the Code for the B-2 Zone (Central Business District) to allow for Non-Owner Occupation in a Loft Living quarters.

Leigh Ann Matthews presented a visual drawing brief description of Pekin Main Streets perception of future plans to revamp the downtown area. She shared what other communities currently have in place to cover such changes with loft living. Most communities basically have the residential codes followed.

Jim Bradshaw stated that back when living was restricted downtown the businesses were flourishing. It no longer applies today.

Ron Sieh updated the Commission on what the Code currently requires:
All zones require that every dwelling unit have 1.5 (one and a half spots available). The City is possibly considering vacating the alleys downtown which would create angled parking spaces in the back.

Steve Huey stated his concerns with parking if entry to the living space is available in the front. He spoke from experience of the problem on a daily business where his business is located on Court Street.

Attorney Dancey interjected by saying all of the ideas are good. However until a third party is involved he discouraged the Commission from changing the code as it stands.

After discussing the pros and cons the Commission took a poll as to what to recommend to Leigh Ann Matthews for a Code change.

The Poll was to suggest the withdrawal of owner only occupancy and add rear entrance only. **Poll Results are as follows: 6 AYE and 2 NAYE.**

Informal: Paradise Donuts, Gary Flynn
Gary presented a site plan and asked for input from the commission to complete his plans for his business for future presentation.

MOTION by Bill Craig, seconded by Michele Long to adjourn the meeting. **On roll call vote, all present voted AYE. MOTION PASSED.**

Meeting adjourned at 7:41pm.

Juanita VanBuskirk, Secretary
Pekin Planning Commission

BID TABULATIONS
EASTSIDE FIRE STATION #1
3232 COURT STREET
PEKIN, ILLINOIS 61554

OPENING FEBRUARY 13, 2009 @ 2:00 P.M.

NAME & NUMBER	ADDRESS	BID BOND	BASE BID
RASSI CONSTRUCTION INC. JOSH RASSI (309)208-5523	unkadosh@juno.com	**5%**	**$52,330.00** **$20.00/cy**
OTTO BAUM BOX 161 MORTON, IL 61550 309-266-7114 fax 263-1050	DREWBOWALD@OTTOBAUM.COM	**5%**	**$42,362.50** **$50.00/cy**
KNAPP CONCRETE BRUCE MARTIN 448-2218	bruce@knappconcrete.com	**5%**	**$42,970.00** **$35.00/cy**
C & G CONCRETE RODNEY SLUSHIER 309-699-3084 FAX 309-699-6922		**5%**	**$43,999.60** **$50.00/cy**
ILLINOIS CIVIL CONSTRUCTION JAY AUSTIN	jaustin@ilcivil.com	**5%**	**$40,535.00** **$18.00/cy**
HEIN CONSTRUCTION ERIC CUEVAS	kota@heinconstruction.com	**5%**	**$43,777.75** **$67.50/cy**
RA CULLINIAN 121 WEST PARK TREMONT, IL. 61658 309-925-2721		**5%**	**$49,425.10** **$20/cy**
NE FINCH RON WITT PO BOX 5187 PEORIA IL 61601 671-1433	rwitt@nefinch.com	**5%**	**$46,811.25** **$31.75/cy**

ESTIMATE $

NOTICE OF PUBLIC HEARING
ADOPTION OF BUDGET FOR FISCAL YEAR
MAY 1, 2009 THROUGH APRIL 30, 2010
BY THE CITY COUNCIL AND MAYOR OF THE
CITY OF PEKIN
PEKIN, ILLINOIS

On Tuesday evening, February 24, at 5:30 p.m., a public hearing will be held by the City Council of the City of Pekin in the City Hall at 111 S. Capitol Street, Pekin, Illinois, for the purpose of considering and hearing testimony relative to the adoption of the budget for the City of Pekin for fiscal year May 1, 2009 through April 30, 2010, which budget has been published and is available for the public inspection at the Office of the City Clerk at 111 S. Capitol Street, Pekin, Illinois, during regular business hours.

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

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

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

CITY OF PEKIN

	FY 2008 BUDGET	FY2008 Actual	FY 2009 BUDGET	FY2010 Budget
TAXES	21,254,613	22,231,959	22,288,707	23,019,044
INTERGOVERNMENTAL	3,773,446	1,437,472	3,961,991	1,335,487
FEES and CHARGES	7,888,887	8,154,037	8,047,971	8,372,531
FINES and FORFEITURES	419,300	422,734	356,850	656,100
LICENSES and PERMITS	237,855	269,760	236,685	232,145
INVESTMENT EARNINGS	2,407,686	2,667,956	1,870,558	811,000
OTHER REVENUES	1,105,945	1,133,029	1,194,120	1,027,405
GROSS REVENUES	37,087,732	36,316,947	37,956,882	35,453,712
PERSONNEL	17,414,191	16,954,301	17,344,595	18,799,994
COMMODITIES	1,195,423	1,005,465	1,201,793	1,183,392
CONTRACTUAL	12,886,153	11,876,850	12,465,345	13,014,052
CAPITAL	6,843,541	1,180,965	9,354,000	3,051,500
MISCELLANEOUS	135,760	1,144,575	81,550	155,890
BENEFIT PAYMENTS	3,801,353	3,639,645	3,506,738	3,713,115
DEBT SERVICE	973,713	973,802	808,880	905,668
GROSS EXPENDITURES	43,250,134	36,775,603	44,762,901	40,823,611
NET REVENUE/EXP	(6,162,402)	(458,656)	(6,806,019)	(5,369,899)
Net Transfers In/Out	3,612,353	3,694,137	4,317,073	4,505,025
CITY of PEKIN	(2,550,049)	3,235,481	(2,488,946)	(864,874)

SUE E. MCMILLAN
CITY CLERK

REQUEST FOR COUNCIL ACTION

To: **Honorable Mayor and Members of the City Council**

CC: **Sue McMillan, City Clerk**

From: **Dennis Kief, City Manager (February 14, 2009)**

AGENDA ITEM: (1) Restaurant Food and Beverage Fee and (2) Package Liquor Fee

AGENDA DATE REQUESTED: February 24, 2009

ACTION REQUESTED: Approval of Establishing the Restaurant and Package Liquor Fees

BACKGROUND: At the May 30, 2008 City Council/Staff Retreat discussion was well underway on the upcoming FY 2010 Budget. The first FY2010 budget numbers were shared with the City Council in February of 20098. A focus of that retreat was the trends of expenses outpacing revenues. Reducing expenses and adding revenues were both discussed. During that Retreat the City Council ranked the priorities for the proposed major Capital projects (i.e. Wastewater Treatment Plant Expansion, Library upgrade, etc.). Similarly they ranked possible revenue enhancements. The list that was ranked at that retreat are attached. At the January 17, 2009 Budget meeting the majority of the City Council supported a combination of cuts along with the enactment of a 2% Restaurant (Food and Beverage) Tax along with a 2% Package Liquor Tax.

FINANCIAL IMPACT: Estimated $800,000 from the Restaurant Tax and $200,000 from the Package Liquor Tax to the City's Revenue stream

NEIGHBORHOOD CONCERNS: Restaurant Tax: $10.00 purchase @ 2% = $0.20
Package Liquor Tax: $10.00 @ 2% = $0.20

IMPACT IF APPROVED: Revenues would approximately equal Expenses in the FY2010 Budget.

IMPACT IF DENIED: Revenues would be approximately $1,000,000 less than Expenses in the FY2010 Budget.

ALTERNATIVES: Other revenue sources or reduction in services and/or manpower

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Consistent with Effective Government theme

REQUIRED SIGNATURES	
Department Director	______________________________
Finance Department	______________________________ (Certification of Availability of Funds)
Corporation Counsel	______________________________ (Certification of Review)
City Manager	______________________________

POSSIBLE NEW OR EXPANDED REVENUE SOURCES FY 2010-4

FOOD & BEVERAGE TAX OF 2%
2006 sales of food and drink was about $40,545,000 and at 2% that gives $810,900. For comparison purposes, Peoria generated $5 million in this tax in 2007 with a 2% rate (I believe they probably have a higher proportional amount of restaurant sales for their population). Also, Des Plaines, IL with a population of 56,945 collected $945,000 in FYE 2007 with a 1% tax rate.

UTILITY TAX OF 5%
Peoria collects $8,500,000 annually from the tax on just electric. Since we basically have the same provider (CILCO), one could estimate that we could collect at least $1,500,000 annually assuming no skewing of the results due to a different industrial/business mix than us. Also, comparability is somewhat difficult as Urbana (population 37,090) collects $3.8 million with a 5% tax rate while Rock Island (population 39,684) collects $2.1 with a 5% tax rate. My conclusion is that some communities charge the 5% on all utilities while others on only say electric like Peoria.

SALES TAX of 1% on GAS SALES
December, 2007 motor fuel gallon sales was roughly 1.2 million. At an average price per gallon of $3.00 that's $3.6 in sales or $43.2 million for the year. At a 1% sales tax rate, that generates roughly $430,000 in additional annual revenue

STORMWATER FEE
Unfortunately I haven't had much time to devote to finalizing the storm water fee amounts but it is safe to say that we can get at least $1 million annually from a fee that would effect homeowners no more than $4.50 per month. Most (64%) would be paying $2.50 per month. The areas that I haven't been able to come to a final determination on are the businesses and industrial areas. The biggest obstacle I see to this fee is the collections. Single family and duplex residential locations could be added to the water bill if that is presently working for the waste water but the apartments, some business locations, and possibly the park would have to be billed in a different manner.

VEHICLE REGISTRATION TAX
A really rough "guesstimate" without knowing how many vehicles there are registered in Pekin would be to multiply 16,000 tax parcels by 1.5 vehicles x $15.00.
City would receive $360,000.00. The actual computation could be figured on per wheel, weight,

GARBAGE FEE
$10.00/Home/Month @ 11,000 Homes = $1,320,000
$12.50/Home/Month @ 11,000 Homes = $1,650,000
$15.00/Home/Month @ 11,000 Homes = $1,980,000

REAL ESTATE TRANSFER FEE
This tax would be imposed on the transferring of title to real estate within the corporate limits of the City. This tax would be based on the rate of $2.50/$1,000 of value of the real estate.
$50,000,000 in Total Sales @ $2.50/$1,000 = $125,000/Year

AMBULANCE FRANCHISE FEE
Peoria receives $80,000/Year plus Firefighter Training

HOTEL/MOTEL TAX INCREASE
We currently receive approximately $150,000/Year from our 5% Tax. Each additional 1% would generate approximately $30,000

PACKAGE LIQUOR
$8,500,000.00 in gross sales @ 2% tax on package liquor sales = $170,000 revenue estimate

OVER THE COUNTER POLICE FINES
Many misdemeanor ordinance and traffic charges would be paid “over the counter” at the police department instead of adjudicated in court. Projected revenues would be $175,000 dollars per year as well as a potential for savings in attorney’s fees.

ANNEXATION FEES
$3,000/acre typical (Range $1,000 to $4,000/acre)

WATER FRANCHISE FEE
$60,000 (Champaign)

BUSINESS REGISTRATION

EMPLOYEES HEALTH PRIMIUMS
Increase Employee Participation

CITY OF PEKIN

INFORMATION RELATING TO ESTABLISHMENT OF FOOD & BEVERAGE TAX AND PACKAGE LIQUOR TAX

To whom It May Concern:

On February 24, 2009, the Pekin City Council adopted into the City Municipal Code both a Food and Beverage Tax as well as a Package Liquor Tax. These taxes will first apply to the month of May, 2009. The first tax return will be due June 20, 2009 coincident with the filing of your monthly sales tax return for May, 2009. Subsequent returns will be due by the 20th of each succeeding month.

With respect to the Food and Beverage Tax, it will be imposed at the rate of two percent (2%) of the purchase price of the food items excluding any other tax charged for such items. Food items will generally include "prepared food items for immediate consumption" and shall include alcoholic beverages and soft drinks. Normally the food items would be purchased from restaurants and bars where facilities are provided for on-premises consumption. Moreover, food items purchased from concession stands, snack shops and combination "gas station/food marts" would be subject to the tax. The tax would also apply to food items purchased "hot" for immediate on-premise and off-premise consumption from catering establishments and restaurants with delivery services. Those establishments that are exempt from the tax include restaurants owned by churches, schools within the City, institutional living establishments and premises of not-for-profit organizations who serve food on an occasional basis.

The liability for payment of the Food and Beverage Tax rests with the person who purchases the prepared food for consumption (the consumer). Retailers on the other hand have the duty to collect the tax from each consumer at the time the food item is purchased. Thus, the retailer shall serve as the trustee for the collection and payment of the tax to the City. If the tax is not remitted to the City by the aforementioned 20th of the month following collection, a penalty of 10% together with interest of 2% per month will apply until the tax is paid.

Likewise, the Package Liquor Tax will be imposed at the rate of two percent (2%) of the purchase price of alcoholic liquor as defined in the City Municipal Code on purchases not to be consumed immediately on the premises where sold. It is intended that the tax apply to liquor establishments required to obtain a retail liquor license as well as those premises not required to obtain a license. The tax is imposed on the cost of the alcoholic liquor excluding any other taxes. As with the Food and Beverage Tax, the consumer is liable for payment of the Package Liquor Tax but the retailer is responsible for the collection of the tax from the consumer and the subsequent payment to the City.

In addition, the Package Liquor Tax must be remitted and a return filed with the City by the 20th of the month following collection. Late payment penalties and interest at the same rates as applicable to the Food and Beverage Tax will apply. It is the intent of the

City to consolidate the filing and payment of both taxes on one monthly tax return. Retailers will be required to attach a copy of their monthly Illinois Sales Tax Return to their City consolidated food, beverage and liquor tax return.

Every owner, manager or operator of a retail establishment collecting these taxes shall keep books and records showing the gross receipts from the sale of food items and alcoholic liquor and the taxes collected each day. These records shall be made available to the City for examination upon reasonable notice during customary business hours. The City Manager may promulgate rules and regulations regarding the enforcement and application of this section of the Municipal code. Those retailers who fail to comply with these tax provisions may face both suspension and /or revocation of licenses as well as the payment of significant additional penalties of as much as $10,000.

To facilitate the administration of the aforementioned taxes, a “Registration Form” is enclosed which should be completed, signed and returned to:

Treasurer
City of Pekin
111 S. Capitol Street
Pekin, IL 61554

Please return the form by April 30, 2009 to allow for timely setup on the Treasurer’s records. Should you have any questions regarding these taxes, please feel free to contact Margie Wyman in the City Finance Department (478-5394) or Treasurer James Wolf (478-5354). Multiple educational sessions will also be scheduled prior to the May 1 effective date to allow retailers to get answers to any questions they may have on the administration of these taxes.

ORDINANCE NO. 2578-08/09

AN ORDINANCE REGARDING TITLE 3, CHAPTER 2, SECTION 7 ESTABLISHING A PACKAGE LIQUOR TAX

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

WHEREAS, the City 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 City Council has determined that it is in the best interests of the City to adopt a package liquor tax into the City Code; and

WHEREAS, the City Council believes it is appropriate to clarify the procedure for a package liquor tax.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1 - ENTITLEMENT. This Division shall be known and cited as the City of Pekin privilege tax upon the privilege of purchasing alcoholic liquor at retail, and the tax herein imposed shall be know and cited as the City of Pekin privilege tax upon the privilege of purchasing alcoholic liquor at retail.

SECTION 2 - DEFINITIONS. For the purposes of this Chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section:

1. Alcoholic liquor: Alcoholic liquor is defined in the same manner as the term is defined in the Municipal Code, City of Pekin, Illinois, as amended, except, however, the term shall not include alcoholic liquor beverages purchased for immediate consumption on the premises where sold.

2. Liquor establishment: Any premises required to obtain a retail liquor license pursuant to the Municipal Code, City of Pekin, Illinois, as amended, and any premises which may sell alcoholic liquor at retail without a City of Pekin license.

3. Owner: Any person or persons having a sufficient proprietary interest in conducting the operation of a liquor establishment so as to entitle such a person or persons to all or a portion of the net receipts thereof.

4. Person: The term shall mean any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm co-partnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, whenever the term "person" is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean the owners or part-owners thereof, and as applied to corporations, the officers thereof.

5. Sale at retail: Means any transfer of the ownership of alcoholic liquor to a purchaser for the purposes of use or consumption and shall include any transfer to a purchaser for use or consumption by any other person to whom such purchaser may transfer the alcoholic liquor without a valuable consideration.

6. City: Means City of Pekin.

SECTION 3 - IMPOSITION OF TAX. From and after April 1, 2009, there is hereby levied and imposed upon the privilege of purchasing alcoholic liquor at any liquor establishment in the City, a tax of two percent (2%) of the purchase price, exclusive of any other tax charged for such alcoholic liquor.

SECTION 4 - LIABILITY FOR PAYMENT.

1. The ultimate incidence of and liability for payment of said tax shall be borne by the person who seeks the privilege of purchasing alcoholic liquor at retail at any liquor establishment, said person hereinafter referred to as "consumer".

2. The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner, manager or operator of every liquor establishment to secure said tax from the consumer of a liquor establishment and remit to the City of Pekin said tax under the rules and regulations prescribed by the Treasurer and as otherwise provided in this article.

SECTION 5 - COLLECTION OF TAX. Every person required to collect the tax levied by this article shall secure said tax from the consumer at the time he collects payment for the sale of alcoholic liquor at retail. The amount due under the tax provided in this article shall be stated separately on the invoice receipt or other statement or memorandum of the payment given to the consumer at the time of payment, unless the person required to collect the tax does not have a cash register that separately states such tax. In any event the person required to collect the tax shall keep records that clearly support total liquor sales and liquor taxes due hereunder.

SECTION 6 - RULES AND REGULATIONS. The Treasurer of the City of Pekin may promulgate rules and regulations not inconsistent with the provisions of this Chapter concerning the enforcement and application of this Chapter. The term "rules and regulations" includes, but is not limited to, a case by case determination whether or not the tax imposed by this Chapter applies.

SECTION 7 - FILING OF RETURN. The owner or owners of each liquor establishment within the City of Pekin shall file tax returns showing tax receipts received during each monthly period on forms prescribed by the Treasurer. The returns shall be due on or before the 20th day of the calendar month succeeding the end of the monthly filing period. At the time of filing said returns, the owner shall remit to the City of Pekin all taxes collected for the period to which the tax return applies.

SECTION 8 - FAILURE TO PAY, COLLECT, OR REMIT TAX. If for any reason any tax is not collected or remitted when due, a penalty at the rate of two (2) percent per month on the amount of tax which remains unremitted shall be added and collected. Additionally, a one (1) time late filing fee of seven and one-half percent (7 1/2%) may be imposed and collected for any filings remitted after the 20th of the month. Whenever any person shall fail to pay, collect, or remit any tax as herein provided, the Corporation Counsel upon the request of the City Manager shall bring or cause to be brought an action to enforce compliance in any court of competent jurisdiction.

SECTION 9 - RECORDS.

1. Every owner, manager, or operator of a liquor establishment in the City of Pekin shall keep books and records which, at a minimum, include a daily sheet showing:

    1. The amount of taxable receipts within the twenty-four (24) hour period; and

    2. The actual liquor establishment tax receipts collected for the date in question.

2. The City Manager or his delegate shall at all reasonable times have full access to said books and records.

3. The financial records of any liquor establishment submitted pursuant to this article or any rule and regulation promulgated thereunder shall not be available for public inspection in order to protect the owners' right to privacy except when necessary in any action to enforce collection of tax under this Division.

SECTION 10 - EXEMPTIONS. The tax imposed under this Chapter shall not apply or be imposed upon a person organized and operated exclusively for charitable, religious, or educational purposes to the extent alcoholic liquor is purchased by such person and used solely for the charitable, religious or educational purposes of such person and is not resold for profit.

SECTION 11 - SUSPENSION OR REVOCATION OF LICENSES FOR FAILURE TO COMPLY; HEARING.

1. Procedure for persons not holding a City liquor license: If the City Manager, after a hearing held by or for him, shall find that any person has willfully avoided collection or remittance of the tax imposed by this Chapter, he may suspend or revoke all city licenses held by such person. The owner, manager, or operator of the liquor establishment shall have an opportunity to be heard and such hearing to be held not less than five (5) days after notice of the time and place of the hearing addressed to the owner, manager, or operator at his last known place of business. The suspension or revocation of any license shall not release or discharge the owner, manager, or operator of the liquor establishment from his civil liability for the collection or remittance of the tax nor for prosecution of such offense.

2. Procedure for persons holding a City liquor license: If the Liquor Commissioner, after a hearing held by or for him, shall find that any person has wilfully avoided collection or remittance of the tax imposed by this Chapter, he may suspend or revoke the retail liquor license held by said person. The suspension or revocation of the retail liquor license shall not release or discharge the owner, manager or operator of the liquor establishment from his civil liability for the collection or remittance of the tax nor for prosecution of such offense.

SECTION 12 - DISPOSITION OF PROCEEDS OF TAX. All proceeds resulting from the imposition of the tax under this Chapter, including penalties, shall be paid into the treasury of the City of Pekin, and shall be credited to and deposited in the corporate fund of the City.

SECTION 13 - PENALTY. Any retailer found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provision of this Division, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) for the first offense, and not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00) for the second offense, and not less than One Thousand Dollars ($1,000.00) nor more than Four Thousand Dollars ($4,000.00) for the third offense, and not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) for the fourth and each subsequent offense, or five (5) times the amount of the tax imposed, if any, whichever is higher, for the second and each subsequent offenses. A separate and distinct offense shall be regarded as committed each day said retailer shall continue any such violation, or permit any such violation to exist after notification thereof.

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 ______________, 2009; and upon roll call the vote was as follows:

AYES: ______________

NAYS: ______________

ABSENT: ______________

ABSTAINING: ______________

APPROVED this ___ day of _______________, 2009.

____
MAYOR

ATTEST:

____
CITY CLERK

ORDINANCE NO. 2579-08/09

AN ORDINANCE REGARDING TITLE 3, CHAPTER 2, SECTION 8 ESTABLISHING A RESTAURANT FOOD AND BEVERAGE TAX

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

WHEREAS, the City 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 City Council has determined that it is in the best interests of the City to adopt a food and beverage tax into the City Code; and

WHEREAS, the City Council believes it is appropriate to clarify the procedure for food and beverage tax.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1 - DEFINITIONS.

For the purposes of this Chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this Section:

1. Alcoholic Liquor means any spirits, wine, beer, ale or other liquid containing more than one half of one percent of alcohol by volume, which is capable of being consumed as a beverage by a human being.

2. Prepared Food Item for Immediate Consumption means and includes any and all material, whether solid, semi-solid or liquid used or intended to be used for human consumption and for nourishment of the human body. The term defined herein includes any and all alcoholic liquor except alcoholic liquor purchased in original package for consumption off the premises where sold. The term excludes soft drinks as defined in Section 2-10 of the

Illinois Retailers' Occupation Tax Act (35 ILCS 120/2-10). The term shall include and be limited to:

1. Food items purchased at a restaurant, bar or other establishment where facilities are provided for on-premise consumption, but such term shall not include food items not intended for immediate consumption purchased from other areas of any such establishment where such facilities providing on-premise consumption utilize a separate means of collecting receipts for such food purchased for immediate consumption and are physically separated from such other areas in the establishment.

2. Food items purchased from concession stands, snack shops and other establishments which sell food items primarily in individual sized servings, such as ice cream cones, candy bars and individually serve sandwiches, for immediate on-premises or off-premises consumptions; and

3. Food items which are purchased hot or are otherwise purchased prepared by immediate on-premise or off-premise consumption from catering establishments and restaurants with delivery services, except food items prepared off the premises.

For purposes of this Section, "food items prepared off the premises" means food items which are grilled, broiled, baked, fried or cooked in some other similar manner off the premises of the retailer. Such term shall not include food items which are precooked and then heated or warmed-up off the premises or food items which were previously cooked or prepared and then reheated off the premises.

3. Retailer means any person or persons having a sufficient proprietary interest in conducting a business which sells prepared food items for immediate consumption so as to entitle such person or persons to all or a portion of the net receipts from the sale thereof.

4. Person means any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representatives, acting either for himself or herself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstance.

5. Restaurant means and includes any public place kept, used, maintained, advertised and held out to the public, as a place at which prepared food items for immediate consumption are served and/or prepared, whether or not consumed or intended to be consumed on the

premises, but shall not include coin-operated automatic food dispensing machines.

6. Bar means and includes an establishment for the serving of alcoholic liquor.

SECTION 2 - IMPOSITION OF TAX.

1. From and after April 1, 2009, there is hereby levied and imposed upon the privilege of purchasing food items prepared for immediate consumption and alcoholic liquor served or prepared at a restaurant, bar or other establishment covered by this article in the City of Pekin, a tax of two (2%) percent of the purchase price, exclusive of any other tax charged for such food items.

2. Exempt from the tax imposed above are persons purchasing food items prepared for immediate consumption served or prepared at:

    1. A restaurant owned by a church, grade school, junior high school or high school within the City of Pekin.

    2. Restaurants used primarily in conjunction with institutional living establishments within the City of Pekin, including but not limited to dormitories, fraternities, sororities, residential care facilities and hospitals;

    3. Premises or operations of not-for-profit organizations who serve food on an occasional and irregular basis.

SECTION 3 - LIABILITY FOR PAYMENT.

1. The ultimate incidence of and liability for payment of said tax shall be borne by the person who purchases prepared food for immediate consumption. Said person hereinafter referred to as "consumer."

2. All retailers shall jointly and severally have the duty to collect and shall collect and account for the tax imposed in Section 2 from each consumer at the time that the consideration for such purchase is paid. Such retailers shall be the trustee for the City in the collection and remittance of said taxes.

SECTION 4 - COLLECTION OF TAX. Every person required to collect the tax levied by this Section shall secure said tax from the consumer at the time he collects payment for the service of prepared food. Upon the invoice receipt or other statement or memorandum of the payment given to the consumer at the time of payment, the amount due under the tax provided in this Division shall be stated separately on said documents or combined with the amount of the Illinois Retailer's Occupation Tax Act.

SECTION 5 - RULES AND REGULATIONS. The Treasurer of the City of Pekin may promulgate rules and regulations not inconsistent with the provisions of this Division concerning the enforcement and application of this Division. The term “rules and regulations” includes, but it not limited to, a case-by-case determination whether or not the tax imposed by this Division applies.

SECTION 6 - FILING OF APPLICATION. The owner of each restaurant shall complete a City of Pekin Application for Registration within thirty (30) days of opening for business. The application shall be filed with the City Clerk of the City of Pekin. Existing businesses shall complete their application before the 15th day of March, 2009.

SECTION 7 - FILING OR RETURN.

1. All retailers shall pay to the City of Pekin all taxes collected. The owner of each restaurant within the City of Pekin shall file monthly tax returns showing tax receipts received during each monthly period on forms prescribed by the Treasurer. The return shall be filed before the 20th day of the calendar month next succeeding the month for which the return is made and shall be accompanied by payment of all taxes due and owing for the month covered by said return. See return attached hereto as Exhibit "A".

2. The first taxing period for the purpose of this Section shall commence on March 1, 2009, and the tax return and payment for such period shall be due on or before April 20, 2009. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this Section.

3. Any payment made by check which is returned to the City of Pekin because of insufficient funds may result in the Treasurer requiring the retailer to make future payments by cashier’s check or money order.

SECTION 8 - FAILURE TO FILE RETURN AND PAY TAX.

1. If for any reason any tax is not paid when due, a penalty at the rate of ten percent (10%) per thirty (30) day period or portion thereof, from the day of delinquency, shall be added and collected.
2. In addition to the penalty assessed, any amount of tax which is not paid when due shall bear interest at the rate of two percent (2%) per month or fraction thereof form the date when such tax becomes past due until such tax is paid or a judgment thereof is obtained by the City of Pekin.
3. As compensation for services rendered in the collection and payment of this tax, retailers filing a tax return may retain an amount of money equal to one percent (1%) of the tax due.

SECTION 9- FINANCIAL RECORDS.

1. All retailers shall cause complete and accurate books, records and accounts showing the

gross receipts for sale of taxable prepared food items and the taxes collected each day, which shall be made available in the City for examination by the City upon reasonable notice and during customary business hours.

2. The financial records of any restaurant submitted pursuant to this Division or any rule and regulation promulgated thereunder shall be considered confidential proprietary information and shall not be disclosed except as allowed by law.

SECTION 10 - FAILURE TO REMIT; LICENSING. Payment and collection of said tax may be enforced by action in any court of competent jurisdiction and failure to collect, account for and pay over any tax collected from purchasers of taxable items shall be cause for revocation of any City license of such retailer or applicable to the premises thereof, in addition to any other penalty provided in this Ordinance.

SECTION 11 - VIOLATIONS; PENALTIES. Any retailer found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provision of this Division, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) for the first offense, and not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00) for the second offense, and not less than One Thousand Dollars ($1,000.00) nor more than Four Thousand Dollars ($4,000.00) for the third offense, and not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) for the fourth and each subsequent offense, or five (5) times the amount of the tax imposed, if any, whichever is higher, for the second and each subsequent offenses. A separate and distinct offense shall be regarded as committed each day said retailer shall continue any such violation, or permit any such violation to exist after notification thereof.

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 _______________, 2009; and upon roll call the vote was as follows:

AYES: _______________

NAYS: _______________

ABSENT: _______________

ABSTAINING: _______________

APPROVED this ___ day of ________________, 2009.

____
MAYOR

ATTEST:

____
CITY CLERK

CITY OF PEKIN PREPARED FOOD & BEVERAGE REGISTRATION FORM

Date: ____

Business Name:____

Address: ____

City: __________________________ State: _________ Zip: ____________

Phone: _____________________________ Fax: ________________________

Illinois Business Tax (IBT)#: ____

Address of Business site if different from above.

Address: ____

City: __________________________ State: _________ Zip: ____________

Phone: _____________________________ Fax: ________________________

Date Business started at this location: ____

Type of Organization:

[ ] Sole Proprietorship [ ] Partnership [ ] Corporation

[ ] Other (specify) _______________________________________

Owner(s), Corporate Officer, Partners: (include name, address and title)

____

____

____

____

Mail or Fax this completed and signed form to the Treasurer's attention at:
City of Pekin, 111 S. Capitol, Pekin, IL 61554 or fax to No.: 309-346-2095

Under penalties as provided by law, I declare to the best of my knowledge and belief, the information on this form is true, correct ad complete.

____ ________________________

Signature of Officer Empowered to Sign Date

____

Print name and title

CITY OF PEKIN FOOD AND BEVERAGE SALES TAX FORM

Pursuant to City of Pekin Code _______________

Month/Year of Collection: ____________________

Payer Name: ____
Address: ____
City: ___________________________ State: _________ Zip: ______________

Contact Name: _____________________________ Contact Number: ____________________

Business Name:____
Local address: ______________________________ Phone: _____________________
City: ___________________________ State: __________ Zip: ______________

Illinois Business Tax (IBT)#: ______________________ Check if this is your last return: [ ]

Under penalties of perjury and other penalties provided by law, I declare that I have examined this return and to the best of my knowledge and belief it is true, correct and complete. I further declare that the information set forth is taken from the books and records of the business for which this return is filed.

_____________________________________ ____
Signature of Preparer Date Signature of Taxpayer Date

COMPUTATION OF PREPARED FOOD & BEVERAGE TAX LIABILITY

Retail sale of prepared food and beverage includes all food, alcoholic and non-alcoholic beverages which is prepared for immediate consumption and which may be consumed on and/or off the premises.

1. Gross sales of prepared food and beverages
(for most businesses this will be Line 3 of ST-1)……………………………..$__________
2. _________% Food and Beverage Tax (line 1 x __________)………………..$__________
3. Less compensation for services rendered in collection
and payment of this tax (Line 2 x _________)………………………………..$__________
4. Net Tax Due (line 2 minus line 3)…………………………………………….$__________
5. 10% Late filing penalty (line 2 x .10)………Check here if late [ ]………….$__________
6. Interest Charge (line 2 x ______ for each month)…… #months_____………$__________
7. Total tax, interest and penalty, if applicable, due (add lines 4,5,6)…………...$__________

Make your check payable to: **City of Pekin**

Mail this completed and signed return, the check for the amount shown on Line 7, and a copy of the Illinois Department of Revenue Form ST-1 to:

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

Questions? Contact City of Pekin City Clerk at: 309-477-2300

CITY OF PEKIN PACKAGE LIQUOR TAX MONTHLY REMITTANCE FORM

Pursuant to City of Pekin Code ________________

Month/Year of Collection: ______________________

Payer/Corporate Name: ____

Address: ____

City: ______________________________ State: _________ Zip: _______________

Contact Name: ________________________________ Contact Number: ______________________

Business/DBA Name: ____

Local address: _________________________________ Phone: _______________________

City: ______________________________ State: ___________ Zip: ________________

Illinois Business Tax (IBT)#: ________________________ Check if this is your last return: [ ]

Under penalties of perjury and other penalties provided by law, I declare that I have examined this return and to the best of my knowledge and belief it is true, correct and complete. I further declare that the information set forth is taken from the books and records of the business for which this return is filed.

____ ____

Signature of Preparer Date Signature of Taxpayer Date

COMPUTATION OF PREPARED FOOD & BEVERAGE TAX LIABILITY

Retail sale of packaged liquor beverages

1. Gross sales of packaged liquor……………………………………………………...$___________
2. _________% Package Liquor Tax (line 1 x __________)……………..……..$___________
3. 10% Late filing penalty (line 2 x .10)………Check here if late [ ]…….…….$___________
4. Interest Charge (line 2 x ______ for each month)…… #months_____….……$___________
5. Total tax, interest and penalty, if applicable, due (add lines 2,3,4)….………...$___________

Make your check payable to: **City of Pekin**

Mail this completed and signed return, the check for the amount shown on Line 7, and a copy of the Illinois Department of Revenue Form ST-1 to:

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

Questions? Contact City of Pekin City Clerk at: 309-477-2300

REQUEST FOR COUNCIL ACTION

To: **Honorable Mayor and Members of the City Council**

CC: **Sue McMillan, City Clerk**

From: **Dennis Kief, City Manager (February 14, 2009)**

AGENDA ITEM: FY 2010 CITY OF PEKIN BUDGET

AGENDA DATE REQUESTED: February 24, 2009

ACTION REQUESTED: Approval of Establishing the City of Pekin FY 2010 Budget

BACKGROUND: The City Council and City Staff have been working on the City's FY 2010 Budget since last February. Realizing that the National and Local Economies were on the downturn, we began working on what we know would be a challenging budget. The 5 Year Capital and Personnel Budget were updated. It was clear at that point that there would be no new positions added in the City. It was also apparent that not all of the Capital Projects for FY2010 could be funded. A 5 Year Revenue project was then compiled and a merged document containing both Expenses and Revenues was presented to the City Council.

The FY2010 Budget was the focal point of the May 30, 2008 City Council/Staff Retreat. That meeting set the priorities for Capital projects and what revenue sources the City Council might consider. There were at least 10 Memos distributed after receiving comments form the City Council and numerous additional cuts were made by City Staff. Below is a synopsis of the proposed FY 2010 Budget after 12 months of discussions.

<u>FY 2010 BUDGET</u>
$40,964,182 REVENUE
<u>$41,699,056</u> EXPENSE
-$ 734,874 Expenses Over Revenues

<u>BUDGET</u>
-$ 734,874 Expenses Over Revenues
$ 539,755 TIF Fund Reserves
<u>$ 142,000</u> MFT Fund Reserves
-$ 53,119 Expenses Over Revenues (Delayed Rehires)

Expenses are down approximately $4.4M from FY 2009, but Revenue is down $2.4M.

FINANCIAL IMPACT: FY2010 Revenues would approximately equal Expenses

NEIGHBORHOOD CONCERNS: The budget as presented allows the continuation of all City services at their current levels.

IMPACT IF APPROVED: Utilizing Enterprise (not General) Fund Reserves, the Revenues for FY2010 would approximately equal Expenses.

IMPACT IF DENIED: Revenues would be need to be revised and approved prior to beginning of fiscal year.

ALTERNATIVES: Other revenue sources or reduction in services and/or manpower

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Consistent with Effective Government theme

REQUIRED SIGNATURES

Department Director ____

Finance Department ____

(Certification of Availability of Funds)

Corporation Counsel ____

(Certification of Review)

City Manager ____

Fund	Department	FY 2010 Revenue	FY 2010 Expense	FY 2009 Revenue	FY 2009 Expense	FY 2010 EXPENSE %
100-001	Administration	$0.00	$319,809.00		$300,320.00	0.77
100-003	Legal	$0.00	$324,000.00		$337,996.00	0.78
100-004	Clerk	$70,245.00	$112,802.00	$68,675.00	$109,855.00	0.27
100-005	Personnel	$3,750.00	$130,500.00	$3,750.00	$150,664.00	0.31
100-006	Finance	$3,750.00	$258,036.00	$3,252.00	$240,346.00	0.62
100-007	Public Works	$500.00	$300,314.00		$226,101.00	0.72
100-009	IT	$0.00	$269,657.00		$297,938.00	0.65
100-010	Treasurer	$0.00	$49,919.00		$41,516.00	0.12
100-032	Street	$411,153.00	$1,667,470.00	$614,420.00	$1,907,009.00	4.00
100-034	Fire	$415,200.00	$5,667,709.00	$442,280.00	$5,923,005.00	13.59
100-068	Public Properties	$58,105.00	$892,741.00	$239,550.00	$1,121,290.00	2.14
100-760	Police	$802,608.00	$6,774,443.00	$454,750.00	$6,562,270.00	16.24
100-793	Inspections	$156,200.00	$635,879.00	$174,960.00	$507,254.00	1.52
100-990	Miscellaneous	$18,254,349.00	$612,333.00	$18,171,391.00	$627,597.00	1.47
208-200	Tourism	$135,000.00	$119,800.00	$150,000.00	$152,826.00	0.29
223-023	Solid Waste	$120,000.00	$1,979,632.00	$120,000.00	$2,113,081.00	4.75
231-029	Wastewater	$2,809,500.00	$2,922,961.00	$3,290,610.00	$4,752,051.00	7.01
232-232	Stormwater	$2,500.00	$474,598.00	$10,000.00	$751,123.00	1.14
240-240	MFT	$1,128,000.00	$1,270,000.00	$1,231,795.00	$1,758,000.00	3.05
261-261	HUD-Metro	$641,815.00	$641,892.00	$738,031.00	$701,706.00	1.54
270-270	TIF	$1,027,500.00	$1,567,255.00	$1,034,020.00	$718,108.00	3.76
445-041	Capital	$450,200.00	$750,000.00	$2,479,611.00	$3,652,000.00	1.80
501-501	School Bus	$1,742,503.00	$1,458,883.00	$1,658,869.00	$1,163,989.00	3.50
525-525	Airport	$57,760.00	$125,062.00	$59,315.00	$100,273.00	0.30
570-570	EDC	$425,000.00	$149,921.00	$364,183.00	$275,048.00	0.36
695-093	Insurance	$217,940.00	$223,940.00	$210,058.00	$216,500.00	0.54
695-094	Work Comp	$412,029.00	$462,029.00	$383,001.00	$505,000.00	1.11
695-095	Insurance	$3,895,480.00	$3,632,914.00	$3,766,466.00	$3,439,515.00	8.71
699-069	VMF	$1,334,893.00	$1,316,188.00	$1,367,476.00	$1,295,744.00	3.16
900-762	TPCCC	$1,386,199.00	$1,383,115.00	$1,321,458.00	$1,319,740.00	3.32
924-924	Library	$1,255,397.00	$1,255,397.00	$1,222,984.00	$1,215,078.00	3.01
941-941	Police Pension	$1,481,660.00	$1,838,529.00	$1,615,865.00	$1,615,865.00	4.41
944-944	Fire Pension	$2,164,954.00	$2,116,349.00	$2,003,567.00	$2,042,473.00	5.07
	TOTALS	**$40,864,190.00**	**$41,704,077.00**	**$43,200,337.00**	**$46,141,281.00**	
	General	$20,175,860.00	$18,015,612.00			

CITY OF PEKIN

RESOLUTION NO. 70-08/09
A RESOLUTION ADOPTING THE FISCAL YEAR
MAY 1, 2009 THROUGH APRIL 30, 2010 BUDGET
FOR THE CITY OF PEKIN, ILLINOIS

PASSED BY THE CITY COUNCIL
OF THE CITY OF PEKIN
THE 24TH DAY OF FEBRUARY, 2009

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY
COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS,
THIS 14TH DAY OF FEBRUARY, 2009

RESOLUTION NO. 70-08/09
RESOLUTION ADOPTING THE FISCAL YEAR
MAY 1, 2009 THROUGH APRIL 30, 20 BUDGET FOR THE
CITY OF PEKIN, ILLINOIS

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

WHEREAS, the City has caused notice to be published on that a public hearing on the proposed Budget for fiscal year May 1, 2009 through April 30, 2010 would be held on February 24, 2009 and further that said proposed Budget was available for inspection in the City Clerk's Office; and

WHEREAS, a hearing was held this date on the proposed Budget before the City Council;

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

Section 1 : That the Budget for the fiscal year May 1, 2009 through April 30, 2010 of the City of Pekin be and the same is hereby adopted.

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

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

this __________ day of _________________________, 2009.

____
MAYOR

ATTEST:

____
CITY CLERK

CERTIFICATE

THE UNDERSIGNED CERTIFIES THAT SHE IS THE CITY CLERK FOR THE CITY OF PEKIN, ILLINOIS, AND THAT THE CITY COUNCIL AT A REGULARLY CONSTITUTED MEETING OF SAID CITY COUNCIL OF THE CITY OF PEKIN ON THE 24TH DAY OF FEBRUARY, 2009, ADOPTED RESOLUTION NO. 70–08/09, A TRUE AND CORRECT COPY OF WHICH IS CONTAINED IN THIS PAMPHLET.

GIVEN UNDER MY HAND AND SEAL THIS ________ DAY OF______________, 2009

(SEAL)

____
SUE E. MCMILLAN
CITY CLERK

CITY OF PEKIN

	FY 2008 BUDGET	FY2008 Actual	FY 2009 BUDGET	FY2010 Budget
TAXES	21,254,613	22,231,959	22,288,707	23,019,044
INTERGOVERNMENTAL	3,773,446	1,437,472	3,961,991	1,335,487
FEES and CHARGES	7,888,887	8,154,037	8,047,971	8,372,531
FINES and FORFEITURES	419,300	422,734	356,850	656,100
LICENSES and PERMITS	237,855	269,760	236,685	232,145
INVESTMENT EARNINGS	2,407,686	2,667,956	1,870,558	811,000
OTHER REVENUES	1,105,945	1,133,029	1,194,120	1,027,405
GROSS REVENUES	37,087,732	36,316,947	37,956,882	35,453,712
PERSONNEL	17,414,191	16,954,301	17,344,595	18,799,994
COMMODITIES	1,195,423	1,005,465	1,201,793	1,183,392
CONTRACTUAL	12,886,153	11,876,850	12,465,345	13,014,052
CAPITAL	6,843,541	1,180,965	9,354,000	3,051,500
MISCELLANEOUS	135,760	1,144,575	81,550	155,890
BENEFIT PAYMENTS	3,801,353	3,639,645	3,506,738	3,713,115
DEBT SERVICE	973,713	973,802	808,880	905,668
GROSS EXPENDITURES	43,250,134	36,775,603	44,762,901	40,823,611
NET REVENUE/EXP	(6,162,402)	(458,656)	(6,806,019)	(5,369,899)
Net Transfers In/Out	3,612,353	3,694,137	4,317,073	4,505,025
CITY of PEKIN	(2,550,049)	3,235,481	(2,488,946)	(864,874)

SUE E. MCMILLAN
CITY CLERK

REQUEST FOR COUNCIL ACTION

To: **Council Members**

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

From: **Joe Wuellner**

AGENDA ITEM: Agreement with Illinois Central Railroad for Hanna Dr. Crossing

AGENDA DATE REQUESTED: February 24, 2009

ACTION REQUESTED: Approve the final agreement for the construction of the rail crossing for the extension of Hanna Dr.

BACKGROUND: We have been working with the Illinois Central Railroad for a crossing to extend Hanna Dr. for over two years and everything is finally coming together thanks to an ICC order. However we were under a time constraint of having this project awarded by the US Dept. of Commerce, Economic Develop Agency (EDA) with a Notice to Proceed issued by December 19, 2008 to avoid losing the grant money so we asked that the agreement be approved without knowing the final cost. This agreement now has the cost of this attached and it is $254,145 which covers the cost to install the crossing, signals, and all appurtenances that go with a crossing that have to be installed by the railroad.

FINANCIAL IMPACT: Money for the project is included in the budget.

NEIGHBORHOOD CONCERNS: None

IMPACT IF APPROVED: Project moves forward.

IMPACT IF DENIED: Project will be cancelled due to loss of grant funding and unavailability of city funding for the entire project.

ALTERNATIVES: Cancel project or build entirely with city funds.

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Strong Foundation

REQUIRED SIGNATURES

Department Director	Joseph Wm. Allen	2/12/09
		Date
Finance Department	Angela Evans	2-12-09
	(Certification of Availability of Funds)	Date
Corporation Counsel		
	(Certification of Review)	Date
City Manager		
		Date

United States Region

John M. Henriksen
Manager Public Works

17641 South Ashland Avenue
Homewood, Illinois 60430-1345
T 708.332.3557
F 708.332.3514

February 9, 2008

Mr. Joseph Wuellner P.E.
Public Works Director
City of Pekin
111 S. Capitol St.
Pekin, Illinois 61554

SUBJECT: New Highway Grade Crossing
ICC Order T07-0074
Illinois Central Railroad Company
Route: Hanna Drive
Vicinity: Milepost B-11,
In/Near: Pekin, IL
County: Tazwell

Dear Mr. Wuellner:

Reference is made to our correspondence concerning the highway improvements at the above referenced location. Attached is an agreement for the purposes relating railroad crossing improvements necessary to your improvements to Hanna Drive and ICC Order T07-0074.

If satisfactory, please arrange to have both counterparts of the Agreement and the Special Provisions signed on the City of Pekin's behalf and return both to the undersigned for formal execution by the Illinois Central Railroad Company. Approval should not be presumed until a fully executed counterpart is returned for your files. To expedite our final acceptance and approval, the required evidence(s) of insurance and a check made out to Illinois Central Railroad Company for $254,145.00 should accompany the return of the documents.

Should you have any questions in these matters, please contact the undersigned at (708) 332-3557.

Sincerely,

AGREEMENT

FOR

GRADE CROSSING IMPROVEMENTS

THIS AGREEMENT ("Agreement"), made and entered into this 10 day of February, 2009, by and between the City of Pekin, 111 South Capitol Street, Pekin, Illinois, 61554, hereinafter referred to as "CITY" and Illinois Central Railroad Company, hereinafter referred to as "RAILROAD";

W I T N E S S E T H:

WHEREAS, in the interest of public safety and convenience, the parties hereto propose to construct and reconfigure the highway-railway grade crossing surface(s), and perform work related thereto, at the location listed on the attached Exhibit A, by reference hereto made a part hereof; and

WHEREAS, the parties mutually agree to accomplish the proposed improvements solely through the use of CITY funds;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectfully kept and performed as hereinafter set forth, it is hereby agreed as follows:

ARTICLE I. For the purpose of identifying the plans, specifications, estimates and other documents, this project will be designated as "Hanna Drive Grade Crossing Improvements at Illinois Central Railroad Company's Milepost B 10.8, at/near Pekin, Tazwell County, Illinois".

ILLINOIS CENTRAL RAILROAD COMPANY
- original -

ARTICLE II. The proposed improvements to be accomplished shall be in accordance with attached Exhibit A. RAILROAD's portion of the work for the proposed improvements, listed under "WORK TO BE PERFORMED BY RAILROAD" on Exhibit A, shall be in accordance with the plan and estimate(s) of cost attached hereto as Exhibit B. No approved plan or specification shall be changed by RAILROAD excepting for minor changes necessitated by actual field conditions encountered at the time of construction or substitutions of equivalent materials. RAILROAD shall not be responsible for securing any permits, rights, licenses, easements, permissions or other authority for the work reflected on Exhibit A.

ARTICLE III. CITY shall prepare any required detailed drawings, plans and specifications as may be required for any proposed improvements listed under "WORK TO BE PERFORMED BY CITY" on Exhibit A, and shall perform or arrange for the performance of said items of work at its sole cost, risk and expense, except as may otherwise be specifically provided for in this Agreement. All drawings, plans, and specifications shall be in compliance with all applicable laws, rules, and regulations, including but not limited to the applicable Manual on Uniform Traffic Control Devices.

ARTICLE IV. In the event the work to be performed by CITY is to be let by contract, CITY shall require its contractor(s), before entering upon the tracks or premises of RAILROAD, or performing any work on or in close proximity thereof, to secure RAILROAD Right-of-Entry Permit from the authorized representative of RAILROAD for the occupancy and use of its premises and/or to confer with RAILROAD relative to its requirements for clearances, operations and general safety regulations. RAILROAD reserves the right to furnish CITY's contractor(s), at the sole cost and expense of said contractor(s), protective services such as, but not limited to, flagmen, watchmen or other as RAILROAD may deem desirable to promote safety and continuity of rail traffic during the progress of the work, for which said contractor(s) shall be required to reimburse RAILROAD promptly upon receipt of bills. For any such work that is performed by RAILROAD for CITY's own forces, CITY hereby agrees to so reimburse RAILROAD upon receipt of bills. Cost and expense for work performed by RAILROAD, as referred to in this Article, shall consist of the actual cost of labor, materials and related items, plus RAILROAD's standard additives in effect at the time the work is performed, not to exceed $000,000.00 without authorization.

ARTICLE V. Each party will, at its own expense, provide the necessary construction engineering and inspection for carrying out its work as set forth in Exhibit A. Any costs which may be incurred by RAILROAD for inspecting the work performed by CITY as said work may affect the properties and facilities of RAILROAD, or the safety and continuity of train operations, shall be reimbursed to RAILROAD by CITY upon receipt of bill(s) therefor.

ARTICLE VI. Subsequent to the award of any contract or contracts by the parties, and before any work is started on this project, a conference shall be held between the representatives of CITY, its contractors, and RAILROAD, at a mutually convenient time and place, for the purpose of coordinating the work to be performed by the several parties, and at which time a schedule of operations will be adopted. At CITY's election, the conference may be part of CITY's pre-construction meeting. Such schedule of operations will provide sufficient lead-time for the parties to order and assemble their respective materials. The RAILROAD estimates that the work will take approximately 60 days to complete.

ARTICLE VII. **CITY AGREES, TO THE EXTENT IT LAWFULLY MAY, TO DEFEND, INDEMNIFY AND HOLD HARMLESS RAILROAD, ITS OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, TRACKAGE RIGHTS TENANTS, SUCCESSORS AND ASSIGNS, AGAINST AND SAVE IT AND THEM HARMLESS FROM LOSS AND DAMAGE TO ANY PROPERTY, AND INJURY TO OR DEATH OF ANY PERSONS, AND FROM ANY LOSS, COST, EXPENSE, FEE, FINE, COURT COST AND/OR ATTORNEY'S FEES, AND EXPENSES INCIDENT THERETO, INCLUDING BUT NOT LIMITED TO COSTS INCURRED IN ENFORCING THE TERMS OF THIS AGREEMENT, ARISING OUT OF ANY WORK TO BE PERFORMED HEREUNDER BY OR ON BEHALF OF CITY AND**

CAUSED BY THE NEGLIGENCE OR WILFULL MISCONDUCT OF THE RESPONSIBLE PARTIES (DEFINED HEREIN AS CITY, OR ANY AGENTS OR CONTRACTOR(S) FOR CITY, OR THEIR RESPECTIVE OFFICERS, AGENTS OR EMPLOYEES), OR A BREACH BY ANY OF THE RESPONSIBLE PARTIES OF ANY TERM OR PROVISION OF THIS AGREEMENT, OR A VIOLATION OF ANY APPLICABLE LAW, RULE OR REGULATION BY ANY OF THE RESPONSIBLE PARTIES.

ARTICLE VIII. CITY, or its agents or contractors, shall secure (i) Statutory Workers Compensation and Employer's Liability Insurance; (ii) Automobile Liability Insurance in an amount not less than $1,000,000 combined single limit; and (iii) Commercial General Liability ("GCL") Insurance (Occurrence Form) in an amount not less than $5,000,000 per occurrence and $10,000,000 in the aggregate. The GCL policy must name RAILROAD as an additional insured. The GCL policy must not contain any provisions excluding coverage for injury, loss or damage arising out of or resulting from (a) doing business or conducting work on, near, or adjacent to railroad track or facilities, or (b) surface or subsurface pollution, contamination or seepage, or from handling, treatment, disposal or dumping of waste materials or substances. Before commencing any Work, CITY shall deliver to RAILROAD a certificate of insurance evidencing the foregoing coverages and true and complete copies of the policies described above. Each policy shall provide for not less than thirty days prior written notice to RAILROAD of cancellation of or any material change in that policy.

ARTICLE IX. Before any work is started on this project, CITY shall provide RAILROAD payment in full for RAILROAD's estimate cost as stated and attached on Exhibit B, "Project Estimate". RAILROAD shall keep an accurate and detailed account of the actual cost and expense as incurred by it, or for its account, in the performance of work it herein agrees to perform at CITY' expense. RAILROAD, upon completion of its work, shall promptly render to CITY a detailed final statement of CITY's share of its actual expenses as incurred. After CITY has checked the final statement and verified that it is reasonable and proper, insofar as they are reasonably able to ascertain, but in no event later than thirty (30) days after receipt of the final statement from RAILROAD, CITY shall then reimburse RAILROAD an amount, less previous payments, if any, equal to the full amount of CITY's share as billed less any item or items of expense, if any, found as not eligible for reimbursement. Provided however, that in no event shall any additional charges exceed Ten Thousand Dollars ($10,000.00)

ARTICLE X. This Agreement shall be binding on the parties hereto, their successors and assigns. This Agreement shall be governed by the laws of the State of Illinois without respect to choice of law principles. This Agreement may be amended only through a writing signed by the parties hereto. No waiver of any breach of this Agreement shall constitute precedent for any subsequent breach. Neither party shall be in default of its obligation to perform any obligation hereunder (other than payment to the other party required hereunder) to the extent that performance is prevented or delayed by severe weather, Act of God, strike, lockout, governmental regulation, or other unforeseen condition reasonably beyond the control of the party so affected, but each pary shall promptly notify he other of any such event and the estimated duration of the delay caused by the event

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate counterparts, each of which shall be considered an original, by their duly authorized officials as of the day and date first written above.

Illinois Central Railroad Company

Witness:

By: ______________________________

Paul E. LaDue
Region Director
Contracts & Administration

CITY OF PEKIN, ILLINOIS

Witness: ______________________

By: ______________________________

Print Name: ______________________________

Title: ______________________________

EXHIBIT A

CROSSING IDENTIFICATION:

RAILROAD: Illinois Central Railroad Company

RR MILEPOST: B 10.8

ROAD NAME: Hanna Drive

LOCATION: Pekin, Tazwell County, IL

EXISTING CONDITIONS:
2-lane road RR crossing at grade protected by automatic warning devices and CWT

DESCRIPTION OF WORK TO BE PERFORMED BY RAILROAD:

1. Install 45' rubber crossing and associated track materials
2. Install crossing signal facilities necessary
3. Incidental work necessary for completion of above.

DESCRIPTION OF WORK TO BE PERFORMED BY CITY:

1. Furnish, erect and maintain all traffic control signs, barricades, temporary pavement markings, etc. to mark detour route for duration of work; and
2. Resurface, taper asphalt roadway approaches as required to match elevation of resurfaced track and crossing; and
3. Install new Hanna Drive with all pavement markings signs, etc, as required; and
5. Incidental work necessary for completion of above new Hanna Drive.

CITY's SHARE OF RAILROAD COST: $ 254,145.00

NOTIFY BEFORE COMMENCING WORK:

Illinois Central Railroad Company
Pat Jones
Track Supervisor

ph. 217-362-5511

City of Pekin

Joe Wuellner
111 S. CapitolStreet
Pekin, IL 61554

SPECIAL PROVISIONS

RELATIVE TO FLAGGING AND OTHER PROTECTION OF RAILROAD TRAFFIC AND FACILITIES DURING CONSTRUCTION ADJACENT AND ABOVE, BENEATH, UPON OR ACROSS, THE PROPERTY OF, OR ON, ABOVE AND BENEATH THE TRACKS OF THE ILLINOIS CENTRAL RAILROAD COMPANY

The CITY or any Contractor engaged on its behalf, shall, before entering upon the property of the Railroad for performance of any work, secure permission by obtaining Railroad Right of Entry Agreement from the Engineering Superintendent of the Railroad Company or his authorized representative at john.henriksen@cn.ca for the occupancy and use of the Railroad's property and shall confer with the Railroad relative to requirements for railroad clearances, operation and general safety regulations. Grantee shall have all employees doing work on CN's property or its subcontractors doing work on CN's property go through Railroad Safety Training at http://www.e-railsafe.com/. Railroad Company reserves the right to bar any of Licensee's employees or agents from Railroad Company's property at any time for any reason. Prior to contacting eRailSafe in order to access CN Property, all Contractors need to call James Conroy at 708-332-5947 or email at James.Conroy@cn.ca in order to get a "Vendor Number". When they have their vendor number, they can then get into eRailsafe. Mr. Conroy will determine if Contractor, Grantee, Licensee or Permittee need only the CN based Safety Training, or if they will have to endure the background checks as well, depending upon the work that they will be engaged to complete. Minimum information required is Company Name, Address, Telephone Number, Contact Person for State Projects the IDOT Contract No. and AAR/DOT Number must be included also.

The CITY or any Contractor engaged on its behalf, shall at all times conduct their work in a manner satisfactory to the Engineering Superintendent of the Railroad Company, or his authorized representative, and shall exercise care so as to not damage the property of the Railroad Company, or that belonging to any other grantees, licensees, permitees or tenants of the Railroad Company, or to interfere with railroad operations.

The Engineering Superintendent of the Railroad Company, or his authorized representative, will at all times have jurisdiction over the safety of railroad operations, and the decision of the Engineering Superintendent or his authorized representative as to procedures which may affect the safety of railroad operations shall be final, and the CITY and/or any Contractor engaged on its behalf shall be governed by such decision.

All work shall be conducted in such a manner as will assure the safety of the Railroad. The Railroad's authorized representative shall have the right, but not the duty, to require certain procedures to be used or to supervise the work on the Railroad's property.

Should any damage occur to Railroad property as a result of the unauthorized or negligent operations of any Grantee, Licensee, Permittee and/or any Contractor engaged on its behalf, and the Railroad deems it necessary to repair such damage or perform any work for the protection of its property or operations, the Grantee, Licensee, Permittee and/or Contractor, as the case may be, shall promptly reimburse the Railroad Company for the actual cost of such repairs or work. For the purpose of these Special Provisions, cost shall be deemed to include the direct cost of any labor, materials, equipment or contract expense plus the Railroad's then current customary additives in each instance.

If the work requires the construction of a temporary grade crossing across the track(s) of the Railroad, the Grantee, Licensee, Permittee and/or its Contractor shall make the necessary arrangements with the Railroad for the construction, protection, maintenance, and later removal of such temporary grade crossing. The cost of such temporary grade crossing construction, protection, maintenance and later removal shall be promptly reimbursed to the Railroad upon receipt of bill(s) therefor.

The Grantee, Licensee, Permittee and/or its Contractor shall at no time cross the Railroad's property or tracks with vehicles or equipment of any kind or character, except at such temporary grade crossing as may be constructed as outlined herein, or at any existing and open public grade crossing.

Any flagging protection, watchmen service or standby personnel required by the Railroad for the safety of railroad operations because of work being conducted by a Grantee, Licensee, Permittee and/or its Contractor, or in connection therewith, will be provided by the Railroad and the cost thereof shall be reimbursed to the Railroad by the respective Grantee, Licensee, Permittee or Contractor upon receipt of bill(s) therefor. The requirements of the Railroad are as follows:

> The services of a flagman will be required during any operation involving direct interference with the Railroad's tracks or traffic, fouling of railroad operating clearances, or reasonable proximity of accidental hazard to railroad traffic, generally when work takes place within twenty-five feet (25') from the nearest rail. Additional flagmen will also be furnished whenever, in the opinion of Railroad's Engineering Superintendent, such protection is needed.
>
> Prior to any digging, trenching or boring activities on Railroad property, or beneath any railroad track, an on-site meeting shall be conducted with the Railroad's Signal Supervisor or Signal Maintainer so as to ascertain, to the extent possible, the location of any buried railroad signal cables in the vicinity of the proposed work. No digging, trenching or boring activities shall be conducted in the proximity of any known buried Railroad signal cables without the Railroad's Signal Maintainer being present.
>
> In order that the Railroad Company may be prepared to furnish protective services, it is incumbent upon the Grantee, Licensee, Permittee and/or its Contractor to notify the Railroad Company sufficiently in advance of when the protective services are required. For work activities which require a flagman, Signal Maintainer or other Railroad personnel to be present while said work is being conducted, should the Railroad be unable to furnish the flagman or other personnel at the desired time or on the desired date(s), the Grantee, Licensee, Permittee and/or its Contractor shall not perform the said operation or work until such time and date(s) that appropriate Railroad personnel can be made available. It is understood the Railroad Company shall not be liable for any increased costs incurred by the Grantee, Licensee, Permittee and/or its Contractor owing to Railroad's inability or failure to have appropriate Railroad personnel available at the time or on the date requested.

The rate of pay for the Railroad employees will be the prevailing hourly rate for an eight (8) hour day for the class of labor during regularly assigned work hours, overtime rates in accordance with Labor Agreements and Schedules and the Railroad's standard additives, all as in effect at the time the work is performed.

Wage rates are subject to change, at any time, by law or by agreement between the Railroad and employees, and may be retroactive because of negotiations or a ruling by an authorized Governmental Agent. If the wage rates are changed, the Grantee, Licensee, Permittee and/or its Contractor shall pay on the basis of the new rates.

Any digging, trenching or boring on Railroad property shall be conducted in such a manner that any settlement or caving in of the ground surface shall be avoided. All excavation on Railroad Property shall be approved in writing by Railroad prior to any excavating operations taking place.

The following temporary clearances are the minimum that must be maintained at all times during any operation:

Vertical: **23'-0" (7.0 m) above top of highest rail within 8'-0" (2.44 m) of the centerline of any track**

Horizontal: **8'-6" (2.59 m) from centerline of the nearest track, measured at right angles thereto**

If lesser clearances than the above are required for any part of the work, the Grantee, Licensee, Permittee and/or its Contractor shall secure written authorization from the Railroad's Engineering Superintendent for such lesser clearances in advance of the start of that portion of the work.

No materials, supplies or equipment will be stored within 15 feet of the centerline of any railroad track, measured at right angles thereto.

The Grantee, Licensee, Permittee and/or its Contractor will be required upon the completion of the work to remove from within the limits of the Railroad's property all machinery, equipment, surplus materials, false work, rubbish or temporary buildings, and to leave said property in a condition satisfactory to the Engineering Superintendent of the Railroad Company or his authorized representative.

Nothing in these Special Provisions shall be construed to place any responsibility on the Railroad for the quality or conduct of the work performed by the Grantee, Licensee, Permittee and/or it's Contractor hereunder. Any approval given or supervision exercised by Railroad hereunder, or failure of Railroad to object to any work done, material used, or method of operation shall not be construed to relieve the Grantee, Licensee, Permittee and/or its Contractor of any obligations pursuant hereto or under the Agreement these Special Provisions are appended to.

Accepted: ______________________________

Print Name: ______________________________

Operations Special Capital Project Estimate

Hanna Drive
New rubber crossing and signals
ICC Order T08-0065

Southern Region
Technical Services
Homewood, IL

Estimate:	Hanna Drive		
Location:	Pekin		
Company Name:	Illinois Central Railroad Company		
Subdivision Name:	Peoria	**Date created:**	December 12, 2008
Mile Post:	B-10.8	**Date revised:**	x
State	IL	**Status:**	x
Network #			

Description		UM	QTY	PRICE	TOTAL
LABOR	**GANG SIZE**	**Days**	**MD**		
Unload/Distribute Material	5	2	10	$229	$2,290
Construct Track	5	2	10	$229	$2,290
Install Turnouts	5	0	0	$229	$0
Destress Track	5	0	0	$229	$0
Surfacing	3	2	6	$236	$1,416
Welding	2	4	8	$235	$1,880
Flagging	1	0	0	$218	$0
Install Crossings	5	4	20	$229	$4,580
B&S Labor	0	0	0	$229	$0
S&C Labor	1	5	5	$287	$1,435
Accounting Labor	1	1	1	$391.00	$391
Engineering	1	1	1	$500	$500
Signal Labor	5	15	75	$260	$19,500
Signal Engineering	1	1	1	$2,775	$2,775
Open Line	0	0	0	$0	$0
TOTAL DIRECT LABOR					**$37,057**

Description	UM	QTY	PRICE	TOTAL
MATERIAL				
Rail New				$9,403
Rail PW				$0
Field Welding				$616
Spikes				$72
Anchors				$0
Tie Plates				$0
Minor OTM				$0
Major OTM				$0
Turnouts				$0
Track Ties				$0
Switch Ties				$0
Ballast				$0
Crossing Materials				$23,965
Structures Material				$0
Signal Material				$78,737
Open Line				$0
Open Line				$0
Open Line				$0
Open Line				$0
Open Line				$0
TOTAL DIRECT MATERIAL				**$112,793**

Description	UM	QTY	PRICE	TOTAL
OTHER				
Per Diem Track (Mandays)	SUM	59	$68.50	$4,042
Per Diem Signal	SUM	75	$96	$7,200
Engineering Consulting/Design	SUM	6	$1,500	$9,000
Grading Contractor	SUM	7	$1,500	$10,500
Flagging - Contractor (Mandays)	SUM	0	$840	$0
Utility Hook Up	SUM	1	$3,000	$3,000
Track Construction	TF	0	$30	$0
Welding - Contractor	EA	0	$530	$0

Operations Special Capital Project Estimate

Hanna Drive
New rubber crossing and signals
ICC Order T08-0065

Southern Region
Technical Services
Homewood, IL

Rental Equipment	SUM	1	$1,300	$1,300
Signal Contracts Other	SUM	1	$6,000	$6,000
Culverts	SUM	0	$239	$0
Sheet Piling	SUM	0	$0	$0
S&C Contracts Other	SUM	0	$0	$0
Directional Boring	SUM	0	$0	$0
Fiber Optic	SUM	0	$0	$0
Utilities - Electrical/Gas	SUM	1	$1,200	$1,200
Shipping	SUM	4	$923	$3,692
Open Line	TN	0	$150	$0
Open Line	SUM	0	$0	$0
Open Line	SUM	0	$0	$0
Contingency	SUM	1	$7,402	$7,402
TOTAL OTHER				$53,336

ADDITIVES	UM	QTY	PRICE	TOTAL
MOW Labor Surcharges		$37,057	120.39%	$44,613
Accounting Labor Surcharges		$391	74.34%	$291
Engineering Labor Surcharges		$500	83.29%	$416
Material Surcharges		$112,793	5.00%	$5,640
TOTAL ADDITIVES				$50,960

DONATION	Amount	TOTAL
Recoverable Donation to CN (enter as negative)	(254,145.00)	(254,145.00)
TOTAL DONATION		(254,145.00)

TOTAL PROJECT COST	$254,145

MATERIAL FORECAST	FOR Hanna Drive	Peoria		B-10.8	
Material Description	**State Tax**	**UM**	**QTY**	**Unit Price**	**Total**
125' TRACK PANEL 115# (includes ballast)	6.25%	EA	1	8850.00	$9,403
THERMITE KIT 115 #	6.25%	EA	10	58.00	$616
SPIKE TRACK 5/8' X 6", 50 lb Keg	6.25%	CN	3	22.72	$72
RUBBER CROSSING MATERIAL (Per Quote)	6.25%	TF	45	340.00	$16,256
BLACKTOP	6.25%	TON	27	257.00	$7,373
PERFORATED PIPE, underdrain 6" PVC	6.25%	LF	98	2.80	$292
TEE for 6" PVC Perforated Pipe	6.25%	EA	2	12.50	$27
SIGNAL MATERIALS (Per Signal Dept Estimate)	6.25%	SM	1	74,105.00	$78,737

Operations Special Capital Project Estimate

Hanna Drive
New rubber crossing and signals
ICC Order T08-0065

Southern Region
Technical Services
Homewood, IL

STATE COST SUMMARY

Estimate:	**Hanna Drive**
Location:	**Pekin**
Company Name:	**Illinois Central Railroad Company**
Subdivision Name:	**Peoria**
Mile Post:	**B-10.8**

x

LABOR	$82,377
MATERIAL	$118,433
OTHER	$53,336
PROJECT TOTAL	**$254,145**

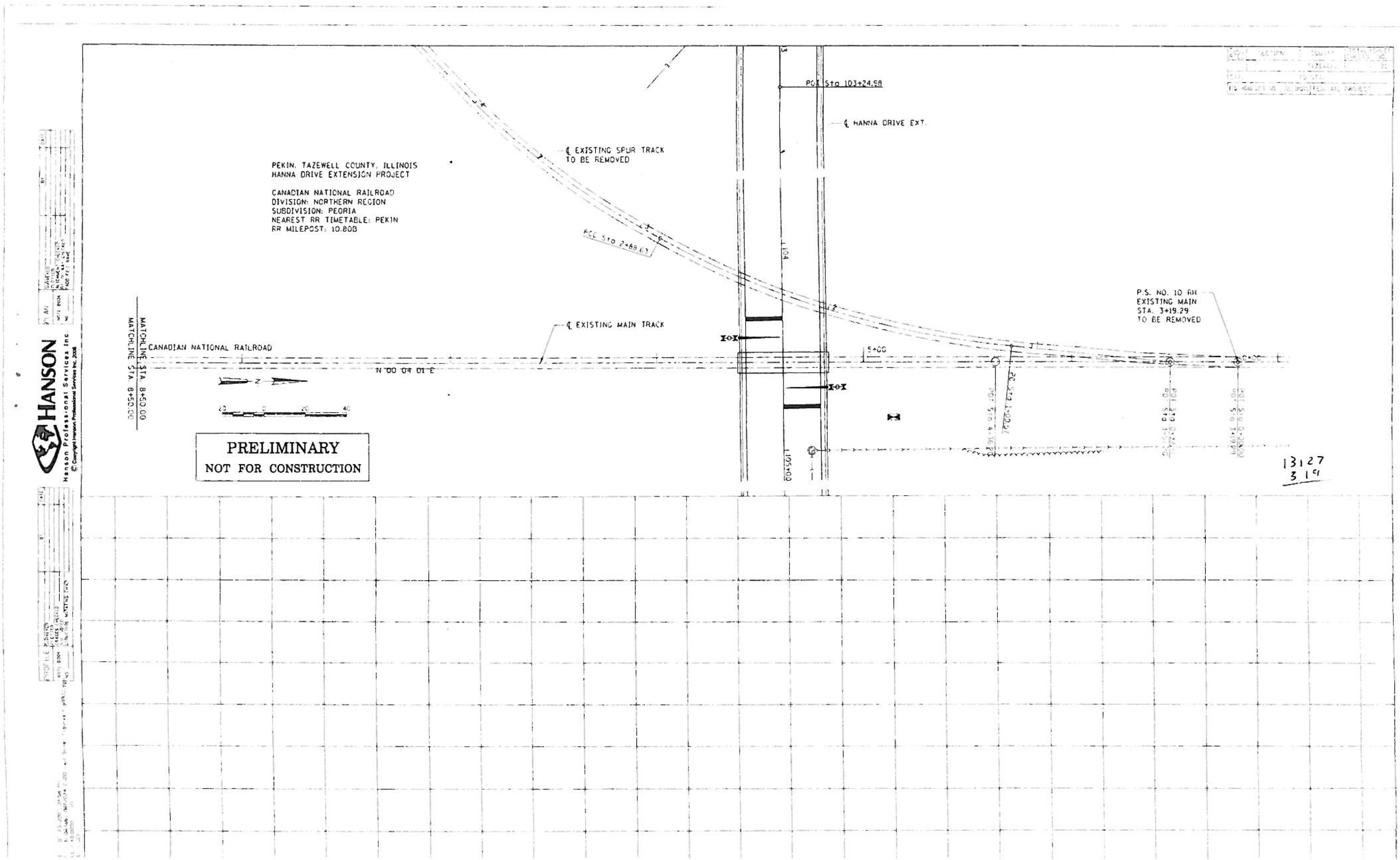
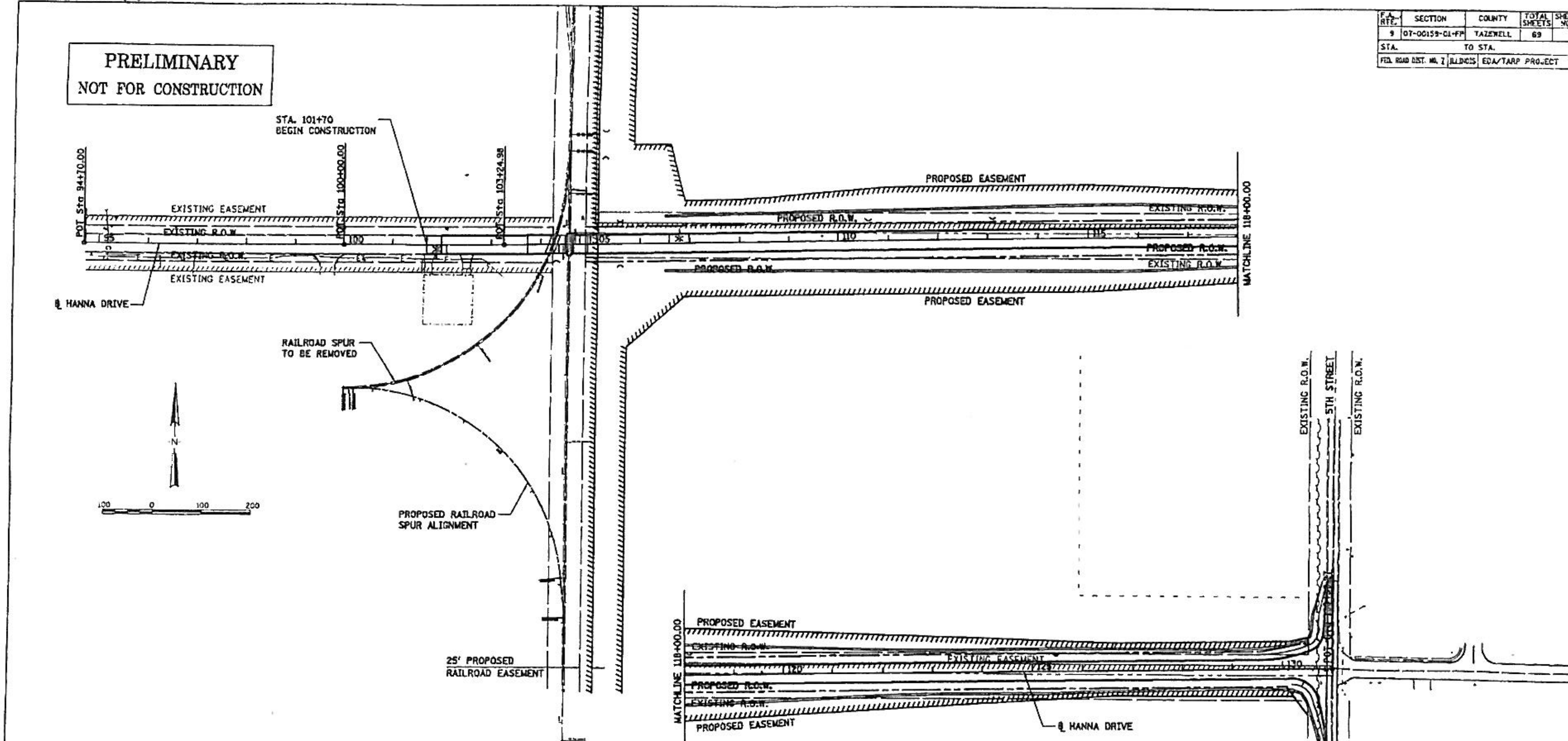

Hanson Professional Services Inc.
© Copyright Hanson Professional Services Inc. 2008
PEKIN, TAZEWELL COUNTY, ILLINOIS
HANNA DRIVE EXTENSION PROJECT
CANADIAN NATIONAL RAILROAD
DIVISION: NORTHERN REGION
SUBDIVISION: PEORIA
NEAREST RR TIMETABLE: PEKIN
RR MILEPOST: 10.808
℄ EXISTING SPUR TRACK TO BE REMOVED
℄ HANNA DRIVE EXT.
POT Sta 103+24.98
PCC Sta 2+88.63
℄ EXISTING MAIN TRACK
CANADIAN NATIONAL RAILROAD
MATCHLINE STA. 8+50.00
MATCHLINE STA. 8+50.00
N 00 04 01 E
P.S. NO. 10 RH
EXISTING MAIN
STA. 3+19.29
TO BE REMOVED
5+00
104
105+00
PRELIMINARY
NOT FOR CONSTRUCTION
13127
319

EXHIBIT A



F.A. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
9	07-00159-01-FP	TAZEWELL	69	
STA.		TO STA.		
FED. ROAD DIST. NO. 7	ILLINOIS	EDA/TARP PROJECT		

REVISIONS NAME	DATE

CITY OF PEKIN
PEKIN, ILLINOIS

PROPOSED ROADWAY

SCALE: VERT. HORIZ. NTS

DRAWN BY RLA

Hanson Professional Services Inc.

REQUEST FOR COUNCIL ACTION

To: **Council Members**

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

From: **Joe Wuellner**

AGENDA ITEM: Expenditure to Install Switch for Hanna Steel Spur

AGENDA DATE REQUESTED: February 24, 2009

ACTION REQUESTED: Approve expenditure of funds for the Industrial Spur Servicing Hanna Steel.

BACKGROUND: We have been working with the Illinois Central Railroad for a crossing to extend Hanna Dr. for over two years and part of that agreement as outlined in the ICC Order allowing the new at grade crossing is the existing rail spur serving Hanna Steel must be relocated. The $169,508.00 is the cost to install a new switch and bring the rails to the property line for the spur. The remainder of the track relocation is included in the contract to build the Hanna Drive extension. Because of the bid received for the roadwork, this is still with the funding budgeted for the overall project.

FINANCIAL IMPACT: Money for the project is included in the budget.

NEIGHBORHOOD CONCERNS: None

IMPACT IF APPROVED: Construction moves forward.

IMPACT IF DENIED: Grant funding will be lost and all costs will be borne by the City.

ALTERNATIVES: Cancel project and pay costs to date or build entirely with city funds.

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Strong Foundation

REQUIRED SIGNATURES		
Department Director	Joseph W[illegible]	2/12/09
		Date
Finance Department	[illegible] Evans	2-12-09
	(Certification of Availability of Funds)	Date
Corporation Counsel		
	(Certification of Review)	Date
City Manager		
		Date

Southern Region

Linda S. Armbruster
Manager Business Development
and Real Estate
17641 S. Ashland Avenue
Homewood, IL 60430
Phone (708) 332-3959
Fax (708) 332-3514
email : linda.armbruster@cn.ca

February 18, 2009

Joseph W. Wuellner, P.E.
Public Works Director
City of Pekin
111 S. Capitol Street
Pekin, Illinois 61554

RE: Pekin, IL industry track relocation for Hanna Steel Corporation

Mr. Wuellner:

CN forces will construct a turnout on the Railroad mainline near milepost 10.8, on the Peoria Sub at Pekin, IL, to serve Hanna Steel Corporation. Construction will include one Left-Hand #10 Turnout complete with connecting track to reach the clearance point from our mainline. The cost for the turnout will be $169,508. Pricing does not include compromise joints or derail. Upon receipt of payment of $169,508, and CN Operations and Engineering approval of plans, we will order the switch and component parts.

This is a firm bid price good for four (4) months and is based upon your contractor performing all grading, drainage and sub-ballast both on our right-of-way and onto Hanna Steel property. When you have selected a contractor, please contact John Henriksen, Manager Public Works (email: john.henriksen@cn.ca), to request a Right of Entry Agreement permitting your contractor to enter Railroad property to do this work and install track on Railroad right-of-way beyond the clearance point. You will also be responsible for any work required to relocate or protect public and private utilities, both on and off the right-of-way.

When grading, drainage and sub-ballast are complete, please contact Hardy Taylor, Technical Service Engineer (email: hardy.taylor@cn.ca), for an inspection of this work prior to track construction. This will ensure that this work is done properly and that your track will have the proper alignment and grade. Also, when the track is complete and before releasing your contractor, please contact Hardy Taylor for a final inspection with you and your contractor to ensure that the quality of work is satisfactory and acceptable for CN service.

We will provide Hanna Steel Corporation with an Industry Track Agreement for signature. This agreement will include a clause allowing the Railroad access to Hanna Steel property to install and maintain the switch. When the track work is completed and the Industry Track Agreement is executed by all parties, rail service to the Hanna Steel Corporation facility can commence.

Please provide me with a letter accepting these terms along with a check in the amount of $169,508 made payable to CN Railway, sent to my attention at CN, 17641 S. Ashland Avenue, Homewood, IL 60430 in order to begin the Railroad's process for installing the switch.

If you have any questions, please contact me at (708) 332-3959 or by email at linda.armbruster@cn.ca. Thank you for your continued cooperation on this project.

Sincerely,

Linda S. Armbruster

Linda S. Armbruster
Manager Business Development
and Real Estate

cc: Monte Chapman
Dan Kelley
Tim Parker
Wayne King
Michael Monsour
Ryan Pancoast
Jeffrey Castellari
Bob Cerri
Hardy Taylor
Mike Deegan

REQUEST FOR COUNCIL ACTION

To: **Council Members**

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

From: **Joe Wuellner**

AGENDA ITEM: Driveway Repairs – Eastside Fire Station

AGENDA DATE REQUESTED: February 24, 2009

ACTION REQUESTED: Approve Contract to ICCI for $40,535.00 to replace the driveway to the Eastside Fire Station

BACKGROUND: The driveway on the east side of the Eastside Fire Station has begun to fail as evident by the large cracks and differential settling. Project will remove existing concrete pavement, place and compact 6" aggregate base, and place new reinforced concrete. Bids were accepted on February 13, 2009 and Illinois Civil Contractors, Inc. (ICCI) was the low bidder at $40,535.00 or about $4,500 below estimate.

FINANCIAL IMPACT: This item in the existing Property budget for FY09.

NEIGHBORHOOD CONCERNS: None

IMPACT IF APPROVED: Driveway is replaced and reinforced for the fire apparatus

IMPACT IF DENIED: Driveway will continue to deteriorate and may cause damage to fire apparatus

ALTERNATIVES: Could possibly patch damaged areas but with the damage beneath the pavement it will continue to fail.

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Strong Foundation

REQUIRED SIGNATURES

Department Director	Joseph W. Olson [signature]	2/13/09 Date
Finance Department	Angela Evans [signature] (Certification of Availability of Funds)	2-13-09 Date
Corporation Counsel	(Certification of Review)	Date
City Manager		Date

BID TABULATIONS
EASTSIDE FIRE STATION #1
3232 COURT STREET
PEKIN, ILLINOIS 61554

OPENING FEBRUARY 13, 2009 @ 2:00 P.M.

NAME & NUMBER	ADDRESS	BID BOND	BASE BID
RASSI CONSTRUCTION INC. JOSH RASSI (309)208-5523	unkadosh@juno.com	**5%**	**$52,330.00** **$20.00/cy**
OTTO BAUM BOX 161 MORTON, IL 61550 309-266-7114 fax 263-1050	DREWBOWALD@OTTOBAUM.COM	**5%**	**$42,362.50** **$50.00/cy**
KNAPP CONCRETE BRUCE MARTIN 448-2218	bruce@knappconcrete.com	**5%**	**$42,970.00** **$35.00/cy**
C & G CONCRETE RODNEY SLUSHIER 309-699-3084 FAX 309-699-6922		**5%**	**$43,999.60** **$50.00/cy**
ILLINOIS CIVIL CONSTRUCTION JAY AUSTIN	jaustin@ilcivil.com	**5%**	**$40,535.00** **$18.00/cy**
HEIN CONSTRUCTION ERIC CUEVAS	kota@heinconstruction.com	**5%**	**$43,777.75** **$67.50/cy**
RA CULLINIAN 121 WEST PARK TREMONT, IL. 61658 309-925-2721		**5%**	**$49,425.10** **$20/cy**
NE FINCH RON WITT PO BOX 5187 PEORIA IL 61601 671-1433	rwitt@nefinch.com	**5%**	**$46,811.25** **$31.75/cy**

ESTIMATE $

Public Works Department
Project Summary

The City of Pekin is now accepting bids for the removal and replacement of the concrete driveway located at Eastside Fire Station #1, 3232 Court Street, Pekin, Illinois. Bids will be accepted until 2pm, February 13, 2009, at the Office of the City Clerk, 111 S. Capitol Street, Pekin, IL 61554 at which time they will be opened and read aloud.

The existing driveway is approximately 85' x 75' (6,375 square feet). The work includes the removal and disposal of all existing concrete, grading to allow for the placement of 6 inches of compacted aggregate base material, grading to ensure that new pavement will work with existing drainage structures, and placing 8 inches of new, reinforced concrete pavement. Work will be staged to allow continuous use of at least two of the station bays for fire apparatus and will require coordination with Fire Department personnel to guarantee operation as usual at the location.

All work must be completed within 30 days of Notice of Award and final invoice submitted by April 22, 2009.

All work shall be done in accordance with current Illinois Department of Transportation "Standard Specifications for Road and Bridge Construction" and the "Supplemental Specifications". Bidders must comply with the State of Illinois, Prevailing Wage Requirements.

Questions should be directed to Joseph Wuellner, Public Works Director, at 477-2300.

BID SHEET:

ITEM OF WORK	QUANTITY	UNIT PRICE	BID PRICE
Remove Existing Pavement	6,375 sf	1.00	6,375.00
6"Aggregate Base	120 cy	43.00	5,160.00
8"Concrete	160 cy	170.00	27,200.00
Wire Mesh	4,000 lb	.45	1,800
TOTAL BID			40,535.00

Unit Price for Removal of Unsuitable Material per cy (if required) (Not included in the bid price) $18.00

fire dept concrete bids 011909pw.doc

Joseph W. Wuellner P.E., Public Works Director, 111 S Capitol Street, Pekin, IL 61554
Phone (309) 477-2300 Fax (309) 346-2095 email: jwuellner@ci.pekin.il.us

420 PINECREST DRIVE • EAST PEORIA, ILLINOIS 61611
PHONE: 309-694-4224 • FAX: 309-694-5676

NO SIGNATORY PAGE PROVIDED IN OUR BID PACKAGE

CORPORATION

CORPORATE NAME	**ILLINOIS CIVIL CONTRACTORS, INC.**
SIGNED BY	PRESIDENT
	SECRETARY
BUSINESS ADDRESS	**420 PINECREST DRIVE** **EAST PEORIA, ILLINOIS 61611**

INSERT NAMES OF OFFICERS	*PRESIDENT*	**MICHAEL L. FEHR**
	VICE PRESIDENT	**JEFF FUERST**
	SECRETARY	**JEFF FUERST**
	TREASURER	**MICHAEL L. FEHR**

REQUEST FOR COUNCIL ACTION

To: Mayor Council

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

From: David Pagliaro

AGENDA ITEM: Resolution for Annual Street Maintenance MFT Funding

AGENDA DATE REQUESTED: February 24, 2009

ACTION REQUESTED: Approve the Request to appropriate $ 500,000 for the 2009 Street Maintenance Program, from the Motor Fuel Tax Fund.

BACKGROUND: The Street Department Seal Coating operations and the possibility of Heating and Scarification on designed sections of our City based on a 5 Years Plan, utilizes a portion of the available MFT funds to cover the cost. The entire program will utilize funding from the MFT ($500,000), CDGB Program ($116,500) and from the Street Department ($300,000), to complete the work in these planned areas.
The total work estimate is $916,500.

FINANCIAL IMPACT: $ 500,000 from Motor Fuel Tax Fund

NEIGHBORHOOD CONCERNS: The Seal Coating process provides the pavement with a fresh oil and rock coating that prolongs the life of the pavement.

IMPACT IF APPROVED: Continuation of the Street Maintenance Program that protects the existing pavement.

IMPACT IF DENIED: Streets scheduled for maintenance for this year will not be completed with only base repair being done to those streets. More maintenance with added cost to streets not covered with seal coating that will be damaged from our winters freeze and thaw cycle.

ALTERNATIVES: Use $ 500,000 more from the General Funds to complete the planned years program.

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Strong Foundation and Safe Community by keeping streets that are used daily by all, in the best condition possible.

REQUIRED SIGNATURES

Department Director	David F. Gagliardo	2-17-09 Date
Finance Department	Angela Evans (Certification of Availability of Funds)	2-19-09 Date
Corporation Counsel	(Certification of Review)	Date
City Manager		Date

RESOLUTION NO. 71 – 08/09

Illinois Department of Transportation

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

BE IT RESOLVED, by the Mayor (Council or President and Board of Trustees) of the City (City, Town or Village) of Pekin (Name), Illinois, that there is hereby appropriated the sum of $500,000.00 of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code from May 1, 2009 (Date) to April 30, 2010 (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 a 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 Council (Council or President and Board of Trustees) at a meeting on February 24, 2009 Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 24th day of February, 2009

(SEAL) ______________________ City (City, Town or Village) Clerk

Approved

____

Date

Department of Transportation

____

Regional Engineer

ORDINANCE NO. 2579-08/09

AN ORDINANCE REGARDING TITLE 3, CHAPTER 2, SECTION 8 ESTABLISHING A RESTAURANT FOOD AND BEVERAGE TAX

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

WHEREAS, the City 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 City Council has determined that it is in the best interests of the City to adopt a food and beverage tax into the City Code; and

WHEREAS, the City Council believes it is appropriate to clarify the procedure for food and beverage tax.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1 - DEFINITIONS.

For the purposes of this Chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this Section:

1. Alcoholic Liquor means any spirits, wine, beer, ale or other liquid containing more than one half of one percent of alcohol by volume, which is capable of being consumed as a beverage by a human being.

2. Prepared Food Item for Immediate Consumption means and includes any and all material, whether solid, semi-solid or liquid used or intended to be used for human consumption and for nourishment of the human body. The term defined herein includes any and all alcoholic liquor except alcoholic liquor purchased in original package for consumption off the premises where sold. The term excludes soft drinks as defined in Section 2-10 of the

Illinois Retailers' Occupation Tax Act (35 ILCS 120/2-10). The term shall include and be limited to:

1. Food items purchased at a restaurant, bar or other establishment where facilities are provided for on-premise consumption, but such term shall not include food items not intended for immediate consumption purchased from other areas of any such establishment where such facilities providing on-premise consumption utilize a separate means of collecting receipts for such food purchased for immediate consumption and are physically separated from such other areas in the establishment.

2. Food items purchased from concession stands, snack shops and other establishments which sell food items primarily in individual sized servings, such as ice cream cones, candy bars and individually serve sandwiches, for immediate on-premises or off-premises consumptions; and

3. Food items which are purchased hot or are otherwise purchased prepared by immediate on-premise or off-premise consumption from catering establishments and restaurants with delivery services, except food items prepared off the premises.

For purposes of this Section, "food items prepared off the premises" means food items which are grilled, broiled, baked, fried or cooked in some other similar manner off the premises of the retailer. Such term shall not include food items which are precooked and then heated or warmed-up off the premises or food items which were previously cooked or prepared and then reheated off the premises.

3. Retailer means any person or persons having a sufficient proprietary interest in conducting a business which sells prepared food items for immediate consumption so as to entitle such person or persons to all or a portion of the net receipts from the sale thereof.

4. Person means any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representatives, acting either for himself or herself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstance.

5. Restaurant means and includes any public place kept, used, maintained, advertised and held out to the public, as a place at which prepared food items for immediate consumption are served and/or prepared, whether or not consumed or intended to be consumed on the

premises, but shall not include coin-operated automatic food dispensing machines.

6. Bar means and includes an establishment for the serving of alcoholic liquor.

SECTION 2 - IMPOSITION OF TAX.

1. From and after April 1, 2009, there is hereby levied and imposed upon the privilege of purchasing food items prepared for immediate consumption and alcoholic liquor served or prepared at a restaurant, bar or other establishment covered by this article in the City of Pekin, a tax of two (2%) percent of the purchase price, exclusive of any other tax charged for such food items.

2. Exempt from the tax imposed above are persons purchasing food items prepared for immediate consumption served or prepared at:

    1. A restaurant owned by a church, grade school, junior high school or high school within the City of Pekin.

    2. Restaurants used primarily in conjunction with institutional living establishments within the City of Pekin, including but not limited to dormitories, fraternities, sororities, residential care facilities and hospitals;

    3. Premises or operations of not-for-profit organizations who serve food on an occasional and irregular basis.

SECTION 3 - LIABILITY FOR PAYMENT.

1. The ultimate incidence of and liability for payment of said tax shall be borne by the person who purchases prepared food for immediate consumption. Said person hereinafter referred to as "consumer."

2. All retailers shall jointly and severally have the duty to collect and shall collect and account for the tax imposed in Section 2 from each consumer at the time that the consideration for such purchase is paid. Such retailers shall be the trustee for the City in the collection and remittance of said taxes.

SECTION 4 - COLLECTION OF TAX. Every person required to collect the tax levied by this Section shall secure said tax from the consumer at the time he collects payment for the service of prepared food. Upon the invoice receipt or other statement or memorandum of the payment given to the consumer at the time of payment, the amount due under the tax provided in this Division shall be stated separately on said documents or combined with the amount of the Illinois Retailer's Occupation Tax Act.

SECTION 5 - RULES AND REGULATIONS. The Treasurer of the City of Pekin may promulgate rules and regulations not inconsistent with the provisions of this Division concerning the enforcement and application of this Division. The term "rules and regulations" includes, but it not limited to, a case-by-case determination whether or not the tax imposed by this Division applies.

SECTION 6 - FILING OF APPLICATION. The owner of each restaurant shall complete a City of Pekin Application for Registration within thirty (30) days of opening for business. The application shall be filed with the City Clerk of the City of Pekin. Existing businesses shall complete their application before the 15th day of March, 2009.

SECTION 7 - FILING OR RETURN.

1. All retailers shall pay to the City of Pekin all taxes collected. The owner of each restaurant within the City of Pekin shall file monthly tax returns showing tax receipts received during each monthly period on forms prescribed by the Treasurer. The return shall be filed before the 20th day of the calendar month next succeeding the month for which the return is made and shall be accompanied by payment of all taxes due and owing for the month covered by said return. See return attached hereto as Exhibit "A".

2. The first taxing period for the purpose of this Section shall commence on March 1, 2009, and the tax return and payment for such period shall be due on or before April 20, 2009. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this Section.

3. Any payment made by check which is returned to the City of Pekin because of insufficient funds may result in the Treasurer requiring the retailer to make future payments by cashier's check or money order.

SECTION 8 - FAILURE TO FILE RETURN AND PAY TAX.

1. If for any reason any tax is not paid when due, a penalty at the rate of ten percent (10%) per thirty (30) day period or portion thereof, from the day of delinquency, shall be added and collected.

2. In addition to the penalty assessed, any amount of tax which is not paid when due shall bear interest at the rate of two percent (2%) per month or fraction thereof form the date when such tax becomes past due until such tax is paid or a judgment thereof is obtained by the City of Pekin.

3. As compensation for services rendered in the collection and payment of this tax, retailers filing a tax return may retain an amount of money equal to one percent (1%) of the tax due.

SECTION 9- FINANCIAL RECORDS.

1. All retailers shall cause complete and accurate books, records and accounts showing the

gross receipts for sale of taxable prepared food items and the taxes collected each day, which shall be made available in the City for examination by the City upon reasonable notice and during customary business hours.

2. The financial records of any restaurant submitted pursuant to this Division or any rule and regulation promulgated thereunder shall be considered confidential proprietary information and shall not be disclosed except as allowed by law.

SECTION 10 - FAILURE TO REMIT; LICENSING. Payment and collection of said tax may be enforced by action in any court of competent jurisdiction and failure to collect, account for and pay over any tax collected from purchasers of taxable items shall be cause for revocation of any City license of such retailer or applicable to the premises thereof, in addition to any other penalty provided in this Ordinance.

SECTION 11 - VIOLATIONS; PENALTIES. Any retailer found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provision of this Division, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) for the first offense, and not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00) for the second offense, and not less than One Thousand Dollars ($1,000.00) nor more than Four Thousand Dollars ($4,000.00) for the third offense, and not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) for the fourth and each subsequent offense, or five (5) times the amount of the tax imposed, if any, whichever is higher, for the second and each subsequent offenses. A separate and distinct offense shall be regarded as committed each day said retailer shall continue any such violation, or permit any such violation to exist after notification thereof.

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 ______________, 2009; and upon roll call the vote was as follows:

AYES: ______________

NAYS: ______________

ABSENT: ______________

ABSTAINING: ______________

APPROVED this ___ day of _______________, 2009.

____
MAYOR

ATTEST:

____
CITY CLERK

CITY OF PEKIN PREPARED FOOD & BEVERAGE REGISTRATION FORM

Date: ____

Business Name: ____

Address: ____

City: ________________________ State: _________ Zip: ____________

Phone: ___________________________ Fax: ______________________

Illinois Business Tax (IBT)#: ____

Address of Business site if different from above.

Address: ____

City: ________________________ State: _________ Zip: ____________

Phone: ___________________________ Fax: ______________________

Date Business started at this location: _____________________________________

Type of Organization:

[ ] Sole Proprietorship [ ] Partnership [ ] Corporation

[ ] Other (specify) ____________________________________

Owner(s), Corporate Officer, Partners: (include name, address and title)

____

____

____

____

Mail or Fax this completed and signed form to the Treasurer's attention at:
City of Pekin, 111 S. Capitol, Pekin, IL 61554 or fax to No.: 309-346-2095

Under penalties as provided by law, I declare to the best of my knowledge and belief, the information on this form is true, correct ad complete.

____ ______________________

Signature of Officer Empowered to Sign Date

____

Print name and title

CITY OF PEKIN FOOD AND BEVERAGE SALES TAX FORM

Pursuant to City of Pekin Code ________________

Month/Year of Collection: _____________________

Payer Name: ____
Address: ____
City: ____________________________ State: _________ Zip: ______________

Contact Name: ______________________________ Contact Number: _____________________

Business Name:____
Local address: _______________________________ Phone: ______________________
City: ____________________________ State: __________ Zip: _______________

Illinois Business Tax (IBT)#: _______________________ Check if this is your last return: [ ]

Under penalties of perjury and other penalties provided by law, I declare that I have examined this return and to the best of my knowledge and belief it is true, correct and complete. I further declare that the information set forth is taken from the books and records of the business for which this return is filed.

______________________________________ ____
Signature of Preparer Date Signature of Taxpayer Date

COMPUTATION OF PREPARED FOOD & BEVERAGE TAX LIABILITY

Retail sale of prepared food and beverage includes all food, alcoholic and non-alcoholic beverages which is prepared for immediate consumption and which may be consumed on and/or off the premises.

1. Gross sales of prepared food and beverages (for most businesses this will be Line 3 of ST-1)……………………………..$__________
2. _________% Food and Beverage Tax (line 1 x __________)………………..$__________
3. Less compensation for services rendered in collection and payment of this tax (Line 2 x _________)………………………………..$__________
4. Net Tax Due (line 2 minus line 3)…………………………………………….$__________
5. 10% Late filing penalty (line 2 x .10)………Check here if late [ ]…………$__________
6. Interest Charge (line 2 x ______ for each month)…… #months_____………$__________
7. Total tax, interest and penalty, if applicable, due (add lines 4,5,6)…………...$__________

Make your check payable to: **City of Pekin**

Mail this completed and signed return, the check for the amount shown on Line 7, and a copy of the Illinois Department of Revenue Form ST-1 to:

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

Questions? Contact City of Pekin City Clerk at: 309-477-2300

ORDINANCE NO. 2578-08/09

AN ORDINANCE REGARDING TITLE 3, CHAPTER 2, SECTION 7 ESTABLISHING A PACKAGE LIQUOR TAX

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

WHEREAS, the City 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 City Council has determined that it is in the best interests of the City to adopt a package liquor tax into the City Code; and

WHEREAS, the City Council believes it is appropriate to clarify the procedure for a package liquor tax.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1 - ENTITLEMENT. This Division shall be known and cited as the City of Pekin privilege tax upon the privilege of purchasing alcoholic liquor at retail, and the tax herein imposed shall be know and cited as the City of Pekin privilege tax upon the privilege of purchasing alcoholic liquor at retail.

SECTION 2 - DEFINITIONS. For the purposes of this Chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section:

1. Alcoholic liquor: Alcoholic liquor is defined in the same manner as the term is defined in the Municipal Code, City of Pekin, Illinois, as amended, except, however, the term shall not include alcoholic liquor beverages purchased for immediate consumption on the premises where sold.

2. Liquor establishment: Any premises required to obtain a retail liquor license pursuant to the Municipal Code, City of Pekin, Illinois, as amended, and any premises which may sell alcoholic liquor at retail without a City of Pekin license.

3. Owner: Any person or persons having a sufficient proprietary interest in conducting the operation of a liquor establishment so as to entitle such a person or persons to all or a portion of the net receipts thereof.

4. Person: The term shall mean any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm co-partnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, whenever the term "person" is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean the owners or part-owners thereof, and as applied to corporations, the officers thereof.

5. Sale at retail: Means any transfer of the ownership of alcoholic liquor to a purchaser for the purposes of use or consumption and shall include any transfer to a purchaser for use or consumption by any other person to whom such purchaser may transfer the alcoholic liquor without a valuable consideration.

6. City: Means City of Pekin.

SECTION 3 - IMPOSITION OF TAX. From and after April 1, 2009, there is hereby levied and imposed upon the privilege of purchasing alcoholic liquor at any liquor establishment in the City, a tax of two percent (2%) of the purchase price, exclusive of any other tax charged for such alcoholic liquor.

SECTION 4 - LIABILITY FOR PAYMENT.

1. The ultimate incidence of and liability for payment of said tax shall be borne by the person who seeks the privilege of purchasing alcoholic liquor at retail at any liquor establishment, said person hereinafter referred to as "consumer".

2. The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner, manager or operator of every liquor establishment to secure said tax from the consumer of a liquor establishment and remit to the City of Pekin said tax under the rules and regulations prescribed by the Treasurer and as otherwise provided in this article.

SECTION 5 - COLLECTION OF TAX. Every person required to collect the tax levied by this article shall secure said tax from the consumer at the time he collects payment for the sale of alcoholic liquor at retail. The amount due under the tax provided in this article shall be stated separately on the invoice receipt or other statement or memorandum of the payment given to the consumer at the time of payment, unless the person required to collect the tax does not have a cash register that separately states such tax. In any event the person required to collect the tax shall keep records that clearly support total liquor sales and liquor taxes due hereunder.

SECTION 6 - RULES AND REGULATIONS. The Treasurer of the City of Pekin may promulgate rules and regulations not inconsistent with the provisions of this Chapter concerning the enforcement and application of this Chapter. The term "rules and regulations" includes, but is not limited to, a case by case determination whether or not the tax imposed by this Chapter applies.

SECTION 7 - FILING OF RETURN. The owner or owners of each liquor establishment within the City of Pekin shall file tax returns showing tax receipts received during each monthly period on forms prescribed by the Treasurer. The returns shall be due on or before the 20th day of the calendar month succeeding the end of the monthly filing period. At the time of filing said returns, the owner shall remit to the City of Pekin all taxes collected for the period to which the tax return applies.

SECTION 8 - FAILURE TO PAY, COLLECT, OR REMIT TAX. If for any reason any tax is not collected or remitted when due, a penalty at the rate of two (2) percent per month on the amount of tax which remains unremitted shall be added and collected. Additionally, a one (1) time late filing fee of seven and one-half percent (7 1/2%) may be imposed and collected for any filings remitted after the 20th of the month. Whenever any person shall fail to pay, collect, or remit any tax as herein provided, the Corporation Counsel upon the request of the City Manager shall bring or cause to be brought an action to enforce compliance in any court of competent jurisdiction.

SECTION 9 - RECORDS.

1. Every owner, manager, or operator of a liquor establishment in the City of Pekin shall keep books and records which, at a minimum, include a daily sheet showing:

    1. The amount of taxable receipts within the twenty-four (24) hour period; and

    2. The actual liquor establishment tax receipts collected for the date in question.

2. The City Manager or his delegate shall at all reasonable times have full access to said books and records.

3. The financial records of any liquor establishment submitted pursuant to this article or any rule and regulation promulgated thereunder shall not be available for public inspection in order to protect the owners' right to privacy except when necessary in any action to enforce collection of tax under this Division.

<u>SECTION 10 - EXEMPTIONS</u>. The tax imposed under this Chapter shall not apply or be imposed upon a person organized and operated exclusively for charitable, religious, or educational purposes to the extent alcoholic liquor is purchased by such person and used solely for the charitable, religious or educational purposes of such person and is not resold for profit.

<u>SECTION 11 - SUSPENSION OR REVOCATION OF LICENSES FOR FAILURE TO COMPLY; HEARING</u>.

1. Procedure for persons not holding a City liquor license: If the City Manager, after a hearing held by or for him, shall find that any person has willfully avoided collection or remittance of the tax imposed by this Chapter, he may suspend or revoke all city licenses held by such person. The owner, manager, or operator of the liquor establishment shall have an opportunity to be heard and such hearing to be held not less than five (5) days after notice of the time and place of the hearing addressed to the owner, manager, or operator at his last known place of business. The suspension or revocation of any license shall not release or discharge the owner, manager, or operator of the liquor establishment from his civil liability for the collection or remittance of the tax nor for prosecution of such offense.

2. Procedure for persons holding a City liquor license: If the Liquor Commissioner, after a hearing held by or for him, shall find that any person has wilfully avoided collection or remittance of the tax imposed by this Chapter, he may suspend or revoke the retail liquor license held by said person. The suspension or revocation of the retail liquor license shall not release or discharge the owner, manager or operator of the liquor establishment from his civil liability for the collection or remittance of the tax nor for prosecution of such offense.

<u>SECTION 12 - DISPOSITION OF PROCEEDS OF TAX</u>. All proceeds resulting from the imposition of the tax under this Chapter, including penalties, shall be paid into the treasury of the City of Pekin, and shall be credited to and deposited in the corporate fund of the City.

<u>SECTION 13 - PENALTY</u>. Any retailer found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provision of this Division, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) for the first offense, and not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00) for the second offense, and not less than One Thousand Dollars ($1,000.00) nor more than Four Thousand Dollars ($4,000.00) for the third offense, and not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) for the fourth and each subsequent offense, or five (5) times the amount of the tax imposed, if any, whichever is higher, for the second and each subsequent offenses. A separate and distinct offense shall be regarded as committed each day said retailer shall continue any such violation, or permit any such violation to exist after notification thereof.

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 ______________, 2009; and upon roll call the vote was as follows:

AYES: ______________

NAYS: ______________

ABSENT: ______________

ABSTAINING: ______________

APPROVED this ___ day of _______________, 2009.

____
MAYOR

ATTEST:

____
CITY CLERK

CITY OF PEKIN PACKAGE LIQUOR TAX MONTHLY REMITTANCE FORM

Pursuant to City of Pekin Code ________________

Month/Year of Collection: _____________________

Payer/Corporate Name: ____
Address: ____
City: ____________________________ State: _________ Zip: ______________

Contact Name: ______________________________ Contact Number: _____________________

Business/DBA Name: ____
Local address: _______________________________ Phone: ______________________
City: ____________________________ State: __________ Zip: _______________

Illinois Business Tax (IBT)#: _______________________ Check if this is your last return: [ ]

Under penalties of perjury and other penalties provided by law, I declare that I have examined this return and to the best of my knowledge and belief it is true, correct and complete. I further declare that the information set forth is taken from the books and records of the business for which this return is filed.

______________________________________ ____

Signature of Preparer Date Signature of Taxpayer Date

COMPUTATION OF PREPARED FOOD & BEVERAGE TAX LIABILITY

Retail sale of packaged liquor beverages

1. Gross sales of packaged liquor………………………………………………...$__________
2. _________% Package Liquor Tax (line 1 x __________)……………..……..$__________
3. 10% Late filing penalty (line 2 x .10)………Check here if late [ ]…….…….$__________
4. Interest Charge (line 2 x ______ for each month)…… #months_____…..……$__________
5. Total tax, interest and penalty, if applicable, due (add lines 2,3,4)…..………...$__________

Make your check payable to: **City of Pekin**

Mail this completed and signed return, the check for the amount shown on Line 7, and a copy of the Illinois Department of Revenue Form ST-1 to:

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

Questions? Contact City of Pekin City Clerk at: 309-477-2300

REQUEST FOR COUNCIL ACTION

To: **Honorable Mayor and Members of the City Council**

CC: **Sue McMillan, City Clerk**

From: **Dennis Kief, City Manager (February 24, 2009)**

AGENDA ITEM: FY 2010 CITY OF PEKIN BUDGET

AGENDA DATE REQUESTED: February 24, 2009

ACTION REQUESTED: Approval of Establishing the City of Pekin FY 2010 Budget

BACKGROUND: The City Council and City Staff have been working on the City's FY 2010 Budget since last February. Realizing that the National and Local Economies were on the downturn, we began working on what we know would be a challenging budget. The 5 Year Capital and Personnel Budget were updated. It was clear at that point that there would be no new positions added in the City. It was also apparent that not all of the Capital Projects for FY2010 could be funded. A 5 Year Revenue project was then compiled and a merged document containing both Expenses and Revenues was presented to the City Council.

The FY2010 Budget was the focal point of the May 30, 2008 City Council/Staff Retreat. That meeting set the priorities for Capital projects and what revenue sources the City Council might consider. There were at least 10 Memos distributed after receiving comments form the City Council and numerous additional cuts were made by City Staff. Below is a synopsis of the proposed FY 2010 Budget after 12 months of discussions.

FY 2010 BUDGET

$40,834,182	REVENUE
$41,699,056	EXPENSE
-$ 864,874	Expenses Over Revenues

BUDGET

-$ 864,874	Expenses Over Revenues
$ 539,755	TIF Fund Reserves
$ 142,000	MFT Fund Reserves
-$ 183,119	Expenses Over Revenues
152,687	Delayed Rehires
-$ 30,432	Renegotiated Landfill Contract

Expenses are down approximately $4.4M from FY 2009, but Revenue is down $2.4M.

FINANCIAL IMPACT: FY2010 Revenues would approximately equal Expenses

NEIGHBORHOOD CONCERNS: The budget as presented allows the continuation of all City services at their current levels.

IMPACT IF APPROVED: Utilizing Enterprise (not General) Fund Reserves, the Revenues for FY2010 would approximately equal Expenses.

IMPACT IF DENIED: Revenues would be need to be revised and approved prior to beginning of fiscal year.

ALTERNATIVES: Other revenue sources or reduction in services and/or manpower

RELATIONSHIP TO THE CONCEPTUAL PLANNING PROCESS: Consistent with Effective Government theme

REQUIRED SIGNATURES

Department Director ____

Finance Department ____
(Certification of Availability of Funds)

Corporation Counsel ____
(Certification of Review)

City Manager ____

Fund	Department	FY 2010 Revenue	FY 2010 Expense	FY 2009 Revenue	FY 2009 Expense	FY 2010 EXPENSE %
100-001	Administration	$0.00	$319,809.00		$300,320.00	0.77
100-003	Legal	$0.00	$324,000.00		$337,996.00	0.78
100-004	Clerk	$70,245.00	$112,802.00	$68,675.00	$109,855.00	0.27
100-005	Personnel	$3,750.00	$130,500.00	$3,750.00	$150,664.00	0.31
100-006	Finance	$3,750.00	$258,036.00	$3,252.00	$240,346.00	0.62
100-007	Public Works	$500.00	$300,314.00		$226,101.00	0.72
100-009	IT	$0.00	$269,657.00		$297,938.00	0.65
100-010	Treasurer	$0.00	$49,919.00		$41,516.00	0.12
100-032	Street	$411,153.00	$1,667,470.00	$614,420.00	$1,907,009.00	4.00
100-034	Fire	$415,200.00	$5,667,708.00	$442,280.00	$5,923,005.00	13.59
100-068	Public Properties	$58,105.00	$892,741.00	$239,550.00	$1,121,290.00	2.14
100-760	Police	$802,600.00	$6,773,443.00	$454,750.00	$6,562,270.00	16.24
100-793	Inspections	$156,200.00	$635,879.00	$174,960.00	$507,254.00	1.52
100-990	Miscellaneous	$18,254,349.00	$612,333.00	$18,171,391.00	$627,597.00	1.47
208-200	Tourism	$135,000.00	$119,800.00	$150,000.00	$152,826.00	0.29
223-023	Solid Waste	$120,000.00	$1,979,632.00	$120,000.00	$2,113,081.00	4.75
231-029	Wastewater	$2,809,500.00	$2,922,961.00	$3,290,610.00	$4,752,051.00	7.01
232-232	Stormwater	$2,500.00	$474,598.00	$10,000.00	$751,123.00	1.14
240-240	MFT	$1,098,000.00	$1,270,000.00	$1,231,795.00	$1,758,000.00	3.05
261-261	HUD-Metro	$641,815.00	$641,872.00	$738,031.00	$701,706.00	1.54
270-270	TIF	$1,027,500.00	$1,567,255.00	$1,034,020.00	$718,108.00	3.76
445-041	Capital	$450,200.00	$750,000.00	$2,479,611.00	$3,652,000.00	1.80
501-501	School Bus	$1,742,503.00	$1,458,883.00	$1,658,869.00	$1,163,989.00	3.50
525-525	Airport	$57,760.00	$125,062.00	$59,315.00	$100,273.00	0.30
570-570	EDC	$425,000.00	$145,921.00	$364,183.00	$275,048.00	0.35
695-093	Insurance	$217,940.00	$223,940.00	$210,058.00	$216,500.00	0.54
695-094	Work Comp	$412,029.00	$462,029.00	$383,001.00	$505,000.00	1.11
695-095	Insurance	$3,895,480.00	$3,632,914.00	$3,766,466.00	$3,439,515.00	8.71
699-069	VMF	$1,334,893.00	$1,316,188.00	$1,367,476.00	$1,295,744.00	3.16
900-762	TPCCC	$1,386,199.00	$1,383,115.00	$1,321,458.00	$1,319,740.00	3.32
924-924	Library	$1,255,397.00	$1,255,397.00	$1,222,984.00	$1,215,078.00	3.01
941-941	Police Pension	$1,481,660.00	$1,838,529.00	$1,615,865.00	$1,615,865.00	4.41
944-944	Fire Pension	$2,164,954.00	$2,116,349.00	$2,003,567.00	$2,042,473.00	5.08
	TOTALS	**$40,834,182.00**	**$41,699,056.00**	**$43,200,337.00**	**$46,141,281.00**	
	General	$20,175,852.00	$18,014,611.00			