



City of Pekin

REGULAR CITY COUNCIL MEETING MONDAY, JANUARY 23, 2023 5:30 PM

1. Pledge of Allegiance
2. Call to Order
3. Approve Agenda
4. Approval of Minutes
4.1. City Council - Regular Meeting - Jan 9, 2023 5:30 PM
5. Public Input
6. Consent Agenda
6.1. Police Department Stats - December 2022
6.2. Resolution No. 533-22/23 Appointment to TC3 Governance and Operations Boards
6.3. Resolution No. 529-22/23 Mayor's Appointment of Josie A. Esker to Tri-County River Valley Development Authority for a term until the third Monday of 2026
6.4. Ordinance No. 4037-22/23 Rezoning Request at 901 Broadway Street (Case RZ 2023-01)
6.5. Ordinance No. 4038-22/23 Variance Request at 417 Edgewood Drive (Case V 2023-02)
7. Presentation
7.1. Reader Area Development, Inc. Downtown Report - Strategies for a Revitalized Business District
8. New Business
8.1. Ordinance No. 4039-22/23 Variance Request at 100 Ironwood Drive (Case V 2023-01) ACTION REQUESTED: Approve and Adopt the Ordinance.
8.2. Rescind Ordinance No. 4010-22/23 Amending Chapter 5, Article IV, Division 2, Section 1-7 of the Pekin City Code Regarding the Sidewalk Snow Removal Policy

ACTION REQUESTED: Rescind Ordinance No. 4010-22/23.	
8.3.	Resolution No. 530-22/23 Approve Intergovernmental Agreement for Guardrail Improvement Project ACTION REQUESTED: Approve and Adopt the Resolution.
8.4.	Resolution No. 531-22/23 Annual Support for Greater Peoria Economic Development Council ACTION REQUESTED: Approve and Adopt the Resolution.
8.5.	Resolution No. 532-22/23 Rescinding Policy No. 22-19/20 in its Entirety and Replacing with Policy No. 25-22/23 Procedure for Placing Items on the Agenda for Meetings of the City Council ACTION REQUESTED: Approve and Adopt the Resolution.
9. Any Other Business To Come Before The Council	
9.1.	Discussion Procurement Policy
10. Executive Session 5 ILCS 120/2 (c) 21. Discussion of Minutes of Meetings Lawfully Closed Under the OMA and 1. Personnel	
11. Adjourn	

 PROCEEDINGS OF THE REGULAR MEETING
 OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
 HELD IN THE COUNCIL CHAMBERS OF CITY HALL
 111 S. CAPITOL ST
 ON MONDAY JANUARY 9, 2023 AT 5:30 O'CLOCK P.M.
 MAYOR MARK LUFT PRESIDING

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Dave Nutter.

CALL TO ORDER

City Clerk Sue McMillan confirmed all Councilmembers were present. Mayor Luft called the meeting to order at 5:35 PM.

Attendee Name	Organization	Title	Status	Arrived
Rick Hilst	City of Pekin	Councilman	Present	5:30 PM
Karen Hohimer	City of Pekin	Councilwoman	Present	5:30 PM
Dave Nutter	City of Pekin	Councilman	Present	5:28 PM
Becky Cloyd	City of Pekin	Mayor Pro tem	Present	5:30 PM
Lloyd Orrick	City of Pekin	Council Member	Present	5:30 PM
John P Abel	City of Pekin	Councilman	Present	5:27 PM
Mark Luft	City of Pekin	Mayor	Present	5:31 PM

APPROVE AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Lloyd Orrick, Council Member
SECONDER: John P Abel, Councilman
AYES: Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

APPROVAL OF MINUTES

RESULT: APPROVED [UNANIMOUS]
MOVER: Lloyd Orrick, Council Member
SECONDER: Becky Cloyd, Mayor Pro tem
AYES: Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

4.1. City Council - Regular Meeting - Dec 12, 2022 5:30 PM

PUBLIC INPUT

Jim Mangan provided each Councilmember with a handout regarding 7.2 Submitting the Question of Recall of Elected Officials to Referendum. Mr. Mangan stated he was not against the recall referendum change but the wording drastically needed revised. Mr. Mangan also spoke regarding the sports complex plan and expressed concerns regarding parking and traffic and stated he was against the way it came forward to the public. Mr. Mangan continued discussing the RFP to purchase six different city-owned properties last July and

Minutes Acceptance: Minutes of Jan 9, 2023 5:30 PM (Approval of Minutes)

stated that Council never approved the RFP as required by State Statute. Mr. Mangan discussed in detail the State Statute and the City Code.

Ann Witzig spoke regarding the resolution awarding the demolition of 336 Margaret to Jimax. Ms. Witzig believed the property was purchased \$125K on May 27, 2022 and was recently listed for sale for \$159K. Ms. Witzig also spoke against the Community Awareness Committee and the proposed resolution regarding the Real Estate Transfer Tax. Lastly, Ms. Witzig spoke about the 2019 thru 2021 capital improvement plan.

Deborah Montgomery spoke regarding New Business Item 7.2 Submitting the Question of Recall of Elected Officials to Referendum stating that the request basically says nothing and asked that it be tabled.

John McNish spoke against agenda item 7.6 Replacing the Human Rights Commission with the Community Awareness Committee and deleting the Mayor's Advisory Committee for Persons with Disabilities. Mr. McNish also asked questions regarding 7.3 Submitting the Question Whether to Impose a Real Estate Transfer Tax to the Voters, and who would pay that tax. Lastly, Mr. McNish stated that the Councilmembers should openly have discussions so the public is aware.

Heather Robertson spoke to Council regarding agenda items 7.6 Replacing the Human Rights Commission with the Community Awareness Committee and 7.7 the Mayor's Appointment of Heather Robertson to the Community Awareness Commission, stating that she was honored to be considered chair of the new committee. Ms. Robertson felt it was a real positive move to represent a variety of voices and provide resources for people that do not recognize are available.

Roger Locke spoke regarding the sale of the acreage for the possible sports complex and felt the land was worth \$495K and to sell the property for \$100 did not seem legal. Mr. Locke questioned whether the City had offered the sale of the land to any farmers.

Deborah Montgomery spoke regarding agenda items 7.6 Replacing the Human Rights Commission with the Community Awareness Committee and 7.7 the Mayor's Appointment of Heather Robertson to the Community Awareness Commission, stating many of us in the community dealing with those with disabilities and questioned how she could be a part of that committee.

CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

- 6.1. Accounts Payable To Be Paid Proof List thru December 23, 2022**
- 6.2. Accounts Payable To Be Paid Proof List thru January 06, 2023**
- 6.3. Financial Reports November 2022 FY23**
- 6.4. Tazewell County Animal Control Billing - November 2022**
- 6.5. Fire Department Monthly Incident Report December 2022**
- 6.6. Resolution No. 522-22/23 Mayor's Reappointment of Ann J. Trumpy to the Pekin Housing Authority Board for a 5 Year Term until January 14, 2028**
- 6.7. Receive and File Bids for 336 Margaret Street Building Demolition**

NEW BUSINESS

7.1. Resolution No. 523-22/23 Award Demolition of 336 Margaret Street to JIMAX

Interim City Manager, Mr. Bruce Marston, presented the agenda item to Council to approve and adopt a resolution awarding the demolition of 336 Margaret Street to Jimax. Mr. Marston explained that the City had recently acquired the property with the intention of building and creating a new municipally owned parking lot. The project included all demolition of the building, removal of the footings, and backfill with CA6 gravel to existing grade. Mr. Marston stated that the City had received 4 bids with the demolition completion date of March 1, 2023.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rick Hilst, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

7.2. Resolution No. 524-22/23 Submitting the Question of Recall of Elected Officials to Referendum

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution submitting the question of recall of elected officials to referendum. Mr. Marston explained that the resolution proposed the submission of a proposition to the voters during the April 4, 2023 consolidated election to adopt a procedure by which the question of whether to recall or remove an official elected or appointed to the offices of the Mayor or Councilmember prior to the expiration of their term be considered through referendum. Mr. Marston continued explaining that the proposed procedure required a subsequent resolution passed at 2/3 majority of the City Council or by petition in the manner prescribed by law for the submission of public questions on the ballot.

Councilmember Orrick questioned the origin of the item on the agenda and questioned if 2/3 of the Council voted for the recall that the Councilmember could be put on the call for reelection by either Council action or petition by voters.

City Attorney Ms. Kate Swise explained that the proposed recall procedures would allow the Council to call for recall of one its members by 2/3's vote to be added to the ballot. The voters were ultimately who would recall any Councilmember. The Council by action itself could not recall a member. Ms. Swise further explained that there would be two methods of putting a recall of a public official on the ballot, Council could do it, or voters could petition under the procedures of a city ordinance or resolution once passed.

Councilmember Orrick questioned if other municipalities were allowed for Council to recall.

Ms. Swise stated that other cities in Illinois allow this, but one such city was under litigation due to lack of specifics on the referendum and was an unpublished decision.

Council continued the discussion as to how the item was placed on the agenda.

Councilmember Hilst questioned who made the decision to allow for a 2/3 vote by Council and/or a petition if there was no language in the election code to recall local officials and how many signature would it take.

Ms. Swise answered that it would take however many signatures the election code says for putting a public question on the ballot as there was already a statutory procedure for the public to put questions on the ballot. Ms. Swise also suggested the super majority of the Council as opposed to a simple majority of the Council.

Council continued the discussion of the procedure.

RESULT:	FAILED [2 TO 5]
MOVER:	John P Abel, Councilman
SECONDER:	Karen Hohimer, Councilwoman
AYES:	Karen Hohimer, John P Abel
NAYS:	Hilst, Nutter, Cloyd, Orrick, Luft

7.3. Resolution No. 525-22/23 Submitting the Question Whether to Impose a Real Estate Transfer Tax to the Voters of the City

Councilmember Abel made a motion to approve and adopt Resolution No. 525-22/23 Submitting the Question Whether to Impose a Real Estate Transfer Tax to the Voters of the City. Motion died due to lack of a second.

7.4. Resolution No. 526-22/23 Memorandum of Understanding with Tazewell County Consolidated Communications (TC-3) for Payroll Services

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution to approve a Memorandum of Understanding to allow for TC3 to provide their own Payroll processing and Human Resource services and for the City to continue to provide Accounts Payable processing for a fee of \$15,000 per year. TC3 recently hired staff to provide their own Payroll and HR services. Mr. Marston stated that the agreement resulted in a \$35,000 reduction in charges by TC3. Mr. Marston also included that it was his understanding that TC3 would be able to do their Accounts Payable processing at some point in the future.

Council discussed the accuracy of the \$15,000 charge by TC3.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dave Nutter, Councilman
SECONDER:	John P Abel, Councilman
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

7.5. Resolution No. 527-22/23 Approve Agreement with Maurer Stutz for Downtown Parking Lot Design

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt a resolution to approve an engineering agreement with Maurer Stutz to finalize construction drawings and specifications for both parking lots in the 300 Block of Court Street behind Fast Dragon and Asher's. The agreement also included layout (survey) during the construction. Mr. Marston explained that Maurer Stutz was previously hired to do a study of downtown parking lots. They provided conceptual parking lot plans with proposed layouts of parking stalls to make the lots more efficient and provided rough grading and surface drainage plans. Projects will be ready to bid by mid-February to allow for Spring construction. Mr. Marston continued explaining that downtown parking lots were the focus of the last infrastructure committee meeting with a recommendation that the subject be brought to Council. The committee proposed that the parking lot behind Asher's and the parking lot behind Fast Dragon (North

of Court Street) be constructed first, as it was not intelligent to reconstruct all downtown parking lots concurrently.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dave Nutter, Councilman
SECONDER:	Lloyd Orrick, Council Member
AYES:	Hilst, Hohimer, Nutter, Cloyd, Orrick, Abel, Luft

7.6. Ordinance No. 4036-22/23 Amending Chapter 2, Article VI, Division 12 Replacing the Human Rights Commission with the Community Awareness Committee and Deleting Division 13 Mayor's Advisory Committee for Persons with Disabilities of the Pekin City Code

Interim City Manager, Mr. Bruce Marston, presented the request to Council to approve and adopt an ordinance combining the Human Rights Commission and the Mayor's Advisory Committee. Mr. Marston explained that the City had established by ordinance a Human Rights Committee and a Mayor's Advisory Committee for Persons with Disabilities. Both committees were advisory in nature and had overlapping goals and purposes, the most significant of which was the representation and advocacy of issues related to diversity, equity, inclusion and human rights. The City desired to combine the two committees into a single Community Awareness Committee.

RESULT:	FAILED [3 TO 3]
MOVER:	Becky Cloyd, Mayor Pro tem
SECONDER:	John P Abel, Councilman
AYES:	Karen Hohimer, John P Abel, Mark Luft
NAYS:	Dave Nutter, Becky Cloyd, Lloyd Orrick
AWAY:	Rick Hilst

7.7. Resolution No. 528-22/23 Mayor's Appointment of Heather Robertson to the Community Awareness Commission

New Business Item 8.6 Ordinance No. 4036-22/23 Amending Chapter 2, Article VI, Division 12 Replacing the Human Rights Commission with the Community Awareness Committee and Deleting Division 13 Mayor's Advisory Committee for Persons with Disabilities of the Pekin City Code failed, therefore, the appointment of Heather Robertson to said committee was moot.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

8.1. Clarification Regarding Salt Building

Interim City manager, Mr. Bruce Marston, led the discussion regarding the Salt Dome at the Street Department. Mr. Marston explained that it was identified that no concrete slab was included in the cost budgeted with building a new Salt Dome, as passed by Council at the November 14, 2022 meeting. Staff estimated the cost of a concrete slab to be \$40,000, falling short of the \$28,885 remaining in the budget. Staff also recommended advertising for an RFP to pour the concrete slab and signing the agreement with Greenfield Contractors for the construction of the new building.

Councilmember Cloys stated that she would like to see the concrete slab advertised as a RFP.

Council continued the discussion regarding the structure of Sourcwell and how piggybacking off of other bids advertised by the State was acceptable under the City's procurement policy.

Councilmember Cloyd questioned why the structure did not include a floor.

Public Works Director, Mr. Dean Schneider, explained that the criteria for the salt building contractor assumed to build on a flat and level surface, which the City did not have. Mr. Schneider continued to explain that the current asphalt was porous and broken and needed replaced. Mr. Schneider then continued to further explain the structure of Sourcewell and how the City conformed the Salt Barn building to meet their criteria.

Councilmember Hilst questioned why a new slab could not be built on top of the old one slab.

City Engineer, Ms. Josie Esker, explained that the shape was different then the current building and it would not meet EPA standards. Additionally, a location would be needed during the building process for the salt. Staff felt it was still the cheapest route.

Councilmember Cloyd questioned why the roof just couldn't be replaced. Ms. Esker explained that the entire roof would need to come down and be redone which would cost more than purchasing a new building. Ms. Esker also explained that equipment needed to be rented each year to move the salt and staff was proposing a longer building so that equipment would no longer need to be rented.

OTHER BUSINESS

Interim City Manager, Mr. Bruce Marston, provided Council with an update on the FY20 audit. The auditing firm had staff taking vacation during the holidays that stalled work a little bit. Field work should be finalized in the next few weeks to hand over to the reporting group with a final report in late February or early March.

Human Resource Director, Ms. Diana Pavley-Rock, provided Council with an update on the applications received regarding the City Manager's open position. Ms. Pavley-Rock requested guidance on how to proceed. Council agreed to provide Ms. Pavley-Rock with their top five by next Tuesday, January 17th.

Councilmember Hilst stated he had received a few negative emails regarding garbage pickup during the holidays. Councilmember Hilst also questioned the line items regarding the proposed salt barn building.

Councilmember Cloyd welcomed the new laundry establishment on Court Street and the Artistic Community Theatre's Radio program.

Councilmember Nutter announced that January 16th was a regular garbage pickup day. Councilmember Nutter questioned the bank reconciliations.

Mr. Marston stated that there was one more month of cash management for FY21 and complete on Sewerage and Solid Waste for FY21 with the exception of the journal entries.

Mayor Luft thanked Josie for her hard work and announced that the City secured \$4M for the engineering for Veteran's Drive to continue to I-474. A press conference would be forthcoming.

EXECUTIVE SESSION 5 ILCS 120/2 (C) 11. LITIGATION UPDATE 5. PURCHASE OF PROPERTY AND 6. SETTING OF A PRICE FOR SALE OF PROPERTY

A motion was made by Councilmember Hohimer seconded by Councilmember Abel to move into Executive Session to discuss 5 ILCS 120/2 (c) 11. Litigation Update 5. Purchase of Property and 6. Setting of a Price for Sale of Property at 7:01 PM. Motion carried voice vote.

Mayor Luft announced that no action would be taken after Executive Session.

ADJOURN

There being no further business of the Council, a motion was made by Councilmember Hohimer seconded by Councilmember Abel to adjourn the meeting. Motion carried viva voice. Mayor Luft adjourned the meeting at 7:55 PM.

Minutes Acceptance: Minutes of Jan 9, 2023 5:30 PM (Approval of Minutes)

**REQUEST FOR COUNCIL ACTION**

Agenda Date: January 23, 2023
To: Council Members
From: Lee Wrhel, Police & Fire Secretary

AGENDA ITEM: PD Stats - December 2022

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Dec 2022 WEEKLY STATS	Dec 4 - 10	Dec 11 -17	Dec 18 -24	Dec 25 - 31	TOTAL
PATROL					
Calls for service	671	691	533	501	671
Buisness / Bar checks	92	112	96	73	92
Traffic stops	94	93	33	38	94
Phone calls & station information	27	29	29	21	27
Reports	74	67	52	54	74
Supplements	26	19	15	11	6
Impounds	6	4	0	0	6
Arrests	48	87	47	22	48
Citations	68	60	18	18	68
Written warnings	65	64	25	35	65
Cell phone	4	2	0	1	4
Truck route	0	0	0	0	0
Low-speed gas bicycle	0	0	0	0	0
Pedestrian stops	0	0	0	0	0
DUI	1	0	0	0	1
Crashes	14	24	10	10	14
Field contact	2	0	0	1	2
Parking tickets - Parking Enforce	9	0	5	0	9
Parking tickets - Patrol	2	9	0	2	2
Animal controls tickets - AC	0	0	0	0	0
Animal - Patrol	1	1	0	0	1
NOT COUNTED (those listed below)					
Julie notifications	0	0	0	0	0
Repossessions	0	0	0	0	0
Incident created in error	0	0	0	0	0
Law test nature code	0	2	0	0	0
RECORDS					
Notice to Appears	0	0	0	0	0
Citations	0	0	0	0	0
Warnings	0	0	0	0	0
FOIA requests / Pages	26 / 241 pgs	18 / 211 pgs	20 / 130 pgs	11 / 159 pgs	75 / 741 pgs
FOIA Video	12 Videos	000 Videos	30 Videos	9 Videos	51 Videos
Audio	000 Audio	46 Audio	000 Audio	37 Audios	83 Audios
CD/DVD'S FOR FOI OR SUB (Redacted)	12	0	6	42	12
SEX Offender Registration	10	1	8	6	10
Impounds processed	6	4	0	0	6
Impound fees collected	\$2,500.00	\$ 1,000.00	\$ -	\$ -	\$2,500.00
Fines collected	\$2,048.00	\$ 2,775.00	\$ -	\$4,114.00	\$2,048.00
Reports	0	0	0	0	0
Supplemental reports	0	0	0	0	0
Fingerprints processed	0	0	0	1	0
Court case files	0	19	19	0	0
DVD/CD for court	237	143	43	0	237
Reports Processed	89	83	0	0	89
Pieces of logged evidence	52	32	22	17	52
Pieces of evidence to Lab	12	14	3	0	12
Pill Bin weight	8.1 lbs	4.6	9 lbs	4.4 lbs	25.11 lbs
Backgrounds for other LAW/GOVT. Agen	19	23	12	7	19
False alarm letters	0	16	9	8	0
Certificate of Purchase	4	4	0	2	4
Certificate of Purchase Final Letters	0	2	4	3	0
Evidence Pulled to be destroyed	33	72	68	22	33
Subpoenas	000 sub	000 sub	000 sub	000 sub	000 sub
Pages	000 pgs	000 pgs	000 pgs	000 pgs	000 pgs
Expungement	000 exp	000 exp	000 exp	000 exp	000 exp
AVRS Crash Report Sales / \$	11 / \$55	20 / \$100	11 / \$55	10 / \$50	52 / \$



REQUEST FOR COUNCIL ACTION

Agenda Date: January 23, 2023
To: Council Members
From: Sue McMillan, City Clerk

AGENDA ITEM: Resolution No. 533-22/23 Appointment to TC3 Governance Board

DESCRIPTION: Appointment of the position of the Mayor of the City of Pekin and the City Manager to the TC3 Governance Board and the positions of the Fire Chief and the Police Chief to the TC3 Operations Board. The appointments provide the City of Pekin seats on the board of the local dispatching center.

FINANCIAL IMPACT: None

NEIGHBORHOOD CONCERNS:

IMPACT IF APPROVED: Seats voluntary members to perform duties on the TC3 Governance Board as representative for the City of Pekin.

IMPACT IF DENIED:

ALTERNATIVES: None

RELATED TO EFFICIENCY STUDY:

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

	A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.
	A Safe Community. To protect community life and property by providing effective, principled police and fire services.
	A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.
	A High Quality of Life. To support or provide services that improve the quality of life for Pekin's residents.
√	An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Resolution No. 533-22/23 Appointment to TC3 Governance and Operations Boards

NOW BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS that the appointment of Becky Cloyd Mayor Pro-Tem and Bruce O. Marston City Manager to the TC3 Governance Board is hereby approved.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this 23rd day of January 2023.

Mayor Pro-Tem Becky Cloyd

ATTEST:

City Clerk Sue E. McMillan

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK

**REQUEST FOR COUNCIL ACTION**

Agenda Date: January 23, 2023
To: Council Members
From: Sue McMillan, City Clerk

AGENDA ITEM: Resolution No. 529-22/23 Mayor's Appointment of Josie A. Esker to TCRVD

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):
Date:

City Manager:
Date:

Resolution No. 529-22/23 Mayor's Appointment of Josie A. Esker to Tri-County River Valley Development Authority for a term until the third Monday of 2026

NOW BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS that the Mayor's appointment of Josie A. Esker to the Tri-County River Valley Development Authority for a term until the third Monday of 2026 is hereby approved.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this 23 day of January, 2023.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK

State of Illinois)
)
 Tazewell County)
)
 City of Pekin)

CERTIFICATE OF APPOINTMENT

This certifies that Josie A. Esker has been appointed to the Tri-County River Valley Development Authority by the City of Pekin, effective for a term beginning immediately and ending on the third Monday of 2026 and is hereby authorized to perform all the duties of said office.

Dated: _____, 2023

 Mayor of City of Pekin

Appointee Contact Information

Address: _____ 111 S Capitol St _____

Phone Number(s): _____ 217-254-7280 _____

Email Address: _____ jaesker@ci.pekin.il.us _____



REQUEST FOR COUNCIL ACTION

Agenda Date: January 23, 2023
To: Council Members
From: Hannah Martin, Zoning Administrator

AGENDA ITEM: Ordinance No. 4037-22/23 Rezoning Request at 901 Broadway Street

DESCRIPTION: A rezoning request submitted by Virginia Soper from R-4 One Family Residential District to OS-1 Office Service District for the property located at 901 Broadway St. Said property is zoned R-4 One Family Residential District with a legal description of SEC 35 T25N R5W CAMPBELL DURLEY & NEWHALLS ADDN S 100' OF LOT 7 BLK 29 SW 1/4 with the following PIN: 04-04-35-370-005, in Tazewell County, Illinois. Applicant wishes to rezone the property so that similar businesses as have occupied the property for the past 50 years can lawfully operate in this location. The property is currently for sale and zoned as R-4, however there is no functioning kitchen or full bathrooms in the residential structure. The Zoning Board of Appeals heard this request at their January 11, 2023 meeting and recommended approval.

FINANCIAL IMPACT: N/A

Requested Amount:
 Line Item:
 Budgeted Amount:
 Remaining Funds:

IMPACT IF APPROVED: ZBA recommendation will be approved as presented

IMPACT IF DENIED: ZBA recommendation will not be approved as presented

ALTERNATIVES:

RELATED TO THE 2019-2021 CITY COUNCIL GOALS:

5 Year CIP. The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

Enhance Code Enforcement Services. The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.

Business Friendly Community. The Council strives to bring new businesses to Pekin while helping to maintain and expand all existing businesses. It is therefore essential to work cooperatively to make Pekin a "Business-Friendly" Community.

Efficient and Effective Municipal Operations. A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness

Police & Fire Pension Obligation. To meet the 90% funding level by the year 2040 it is essential the City plan carefully and maintain financial discipline to meet its \$63 million dollar obligation.

Employee Residency. It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.

REQUIRED SIGNATURES**Finance Department** (Certification of Availability of Funds):

Date:

City Manager:

Date:

Ordinance No. 4037-22/23 Rezoning Request at 901 Broadway Street (Case RZ 2023-01)

WHEREAS, the real property (the “Property”) located at 901 Broadway Street, in the City of Pekin, Tazewell County, Illinois, is currently zoned R-4, One-Family Residential, and further described as follows:

The South 100 feet of Lot 7 in Block 9 of Campbell, Durley & Newhall’s Addition, a Subdivision of the City of Pekin, as shown on plat recorded in Plat Book “C”, Page 2, situated in Tazewell County, Illinois.

PIN: 04-04-35-370-005; and

WHEREAS, the representative for the owner of the Property has petitioned the City to rezone the Property to OS-1, Office use, to allow for the continued use of the Property as office space; and

WHEREAS, after a hearing pursuant to duly published notice, the Pekin Zoning Board of Appeals recommended that the request for rezoning be approved; and

WHEREAS, the City Council of the City of Pekin finds that the use and location of the Property is better suited to a zoning classification of OS-1, Office, and that such rezoning will not be detrimental to surrounding uses.

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

Section 1. The findings and recitations set forth above are adopted and found to be true and correct.

Section 2. The zoning classification of the Property as shown and described on Exhibit A attached hereto is hereby changed from R-4, One-Family Residential, to OS-1, Office.

Section 3. Upon the effective date of this Ordinance, the change in zoning classification hereby adopted shall be marked on the official zoning map of the City of Pekin.

Section 4. This Ordinance is hereby ordered to be recorded in the office of the Tazewell County Clerk and Recorder.

Section 5. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 6. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK



Hannah Martin
111 S. Capitol Street
Community Development
Pekin, Illinois 61554
hmmartin@ci.pekin.il.us
(309) 478-5348

Zoning Board of Appeals Review Sheet January 11, 2023

CASE RZ 2023-01

A rezoning request submitted by Virginia Soper from R-4 One Family Residential District to OS-1 Office Service District for the property located at 901 Broadway St. Said property is zoned R-4 One Family Residential District with a legal description of SEC 35 T25N R5W CAMPBELL DURLEY & NEWHALLS ADDN S 100' OF LOT 7 BLK 29 SW 1/4 with the following PIN: 04-04-35-370-005, in Tazewell County, Illinois.

SUMMARY

Applicant wishes to rezone the property so that similar businesses as have occupied the property for the past 50 years can lawfully operate in this location. The property is currently for sale and zoned as R-4, however there is no functioning kitchen or full bathrooms in the residential structure.

STAFF NOTES

This case is connected to a November 30th hearing – the rezoning request at 1607 Charlotte St. on behalf of Alexander's Tax Service. Because council denied the request (as recommended by ZBA), the business is in the process of relocating with a January 30th deadline. Alexanders Tax Service is interested in moving to this location, despite the similar issue of wishing to operate in a location currently zoned as R-4 Residential.

Although it is a similar case, physical characteristics of the property are more favorable for business occupation. The property is located at the corner of N 9th St. & Broadway St., across the street from both Dollar General (zoned B-3) and Benson's Appliance (zoned R-4). It also neighbors single-family homes to the north and east.

Staff recommends approval based on the long-established non-residential uses of the property, the neighboring business uses, and the location along a well-traveled corridor.



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

Board of Appeals Application for Consideration

<u>Type of Request (check one):</u> ☐ A. Special Use (\$85) ☐ B. Residential Variance (\$85) ☐ C. Non-Residential Variance (\$85) ☒ D. Map Amendment/Rezoning (\$75) ☐ E. Annexation (\$75)	Request Property Address or PIN: 04-04-35-370-005
	Current Zoning (if known): business (but R-4 city map)
	Proposed Zoning (if rezoning request): OS-1
	Current Use: PEKIN TROPHY HOUSE (business)
	Proposed Use (if different): tax office &/or residential use

Property Owner Name:	TROY EVANS (deceased) VIRGINIA SOPER (mother)
Mailing Address:	1215 S Capitol, Pekin, Ill
Phone:	309-642-1708
Alternative Phone:	
E-Mail Address:	ATSPEKIN@GMAIL.COM

Applicant Name (if different):	Virginia Soper
Mailing Address:	1215 S Capitol, Pekin, Illinois
Phone:	309-642-1708
Alternative Phone:	
E-Mail Address:	ATSPEKIN@GMAIL.COM



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

Please summarize your request and explain why it is necessary:

The city zoning map shows this property as R-4. The property was purchased by Troy Evans and approved for his use as Pekin Trophy House. Prior it was a counsellor office and prior an attorney office who served as assistant Pekin city attorney thru 4 mayors. It has not been residential in known history. Property has no kitchen, no closets no full bathrooms, and 2 half baths serving office function. If there is recorded history this property is grandfathered as business zoning the map needs clarification that future usage would be legal under office zoning. OS-1 zoning would give clarity to either business office use &/or single family use for any future occupant consistent with history. Clarity is needed as 901 Broadway and the Benson property (10 S 9th St) show R-4 zoning on city zoning map??

CERTIFICATION BY PROPERTY OWNER

I certify that I am the owner of the property, which is the subject of this request. I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief. If an applicant is signing below, that applicant has received my approval to proceed with this request.

Troy Evans by Virginia S Soper
Troy Evans by Virginia Soper

Owner Signature

12-21-22

Date

CERTIFICATION BY THE APPLICANT (if different)

I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief.

Virginia S Soper
VIRGINIA SOPER

Applicant Signature

12-21-22

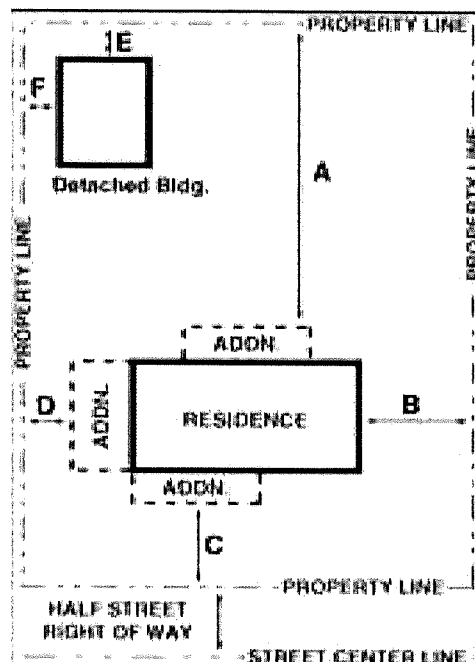
Date



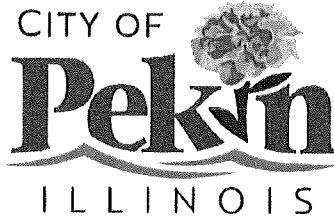
Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

The following attachments are required for consideration of your request:

- I. Site Plan:** An electronic copy (preferred) or two physical copies of a site plan for the proposal showing:
1. A scale of not less than one inch equals fifty feet (1" = 50') if the subject property is less than three (3) acres and one inch equals one hundred feet (1" = 100') if three (3) acres or more. Date, north point and scale.
 2. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties. The location of all existing and proposed structures on the subject property and all structures within one hundred feet (100') of the subject property. The location of all existing and proposed drives and parking areas. The location and right-of-way widths of all abutting streets and alleys.
 3. Attachments such as landscape plan, photograph or renderings of existing and proposed site, building layouts or elevations, etc. are commended in order to provide accurate and sufficient information for review by the Development Review Committee and consideration by the Plan Commission.
 4. The names, addresses, and phone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan (commercial projects only).



There are NO CHANGES proposed to the existing structure.



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

- II. Payment:** Payment of the amount indicated on the first page to accompany your application. If making payment via check, please make payment payable to the “City of Pekin”.
- III. Variance:** If requesting a variance, you must complete and attach this page to your application:
1. Variances are intended to relieve situations involving a hardship in meeting Zoning Code requirements. What is the hardship that this variance request is intended to relieve? Examples of hardships can include the topography of the lot, unique shape of the lot or other physical conditions that prevent the request from meeting the requirements of the Zoning Code.

If this property is zoned R-4, it is unable to be used as history as been as a business occupancy.

2. Is the variance needed due to special and unique circumstances not caused by the applicant's or owner's own actions?

Troy Evans purchased this property with city approval for use as a commercial business location.

3. Should the request be approved, will the variance negatively impact adjoining properties in any way?

No negative impact is construed as the history has been business use for over 5 decades.

4. Will the variance be consistent with the purpose and intent of the Zoning Code and not alter the essential character of the locality?

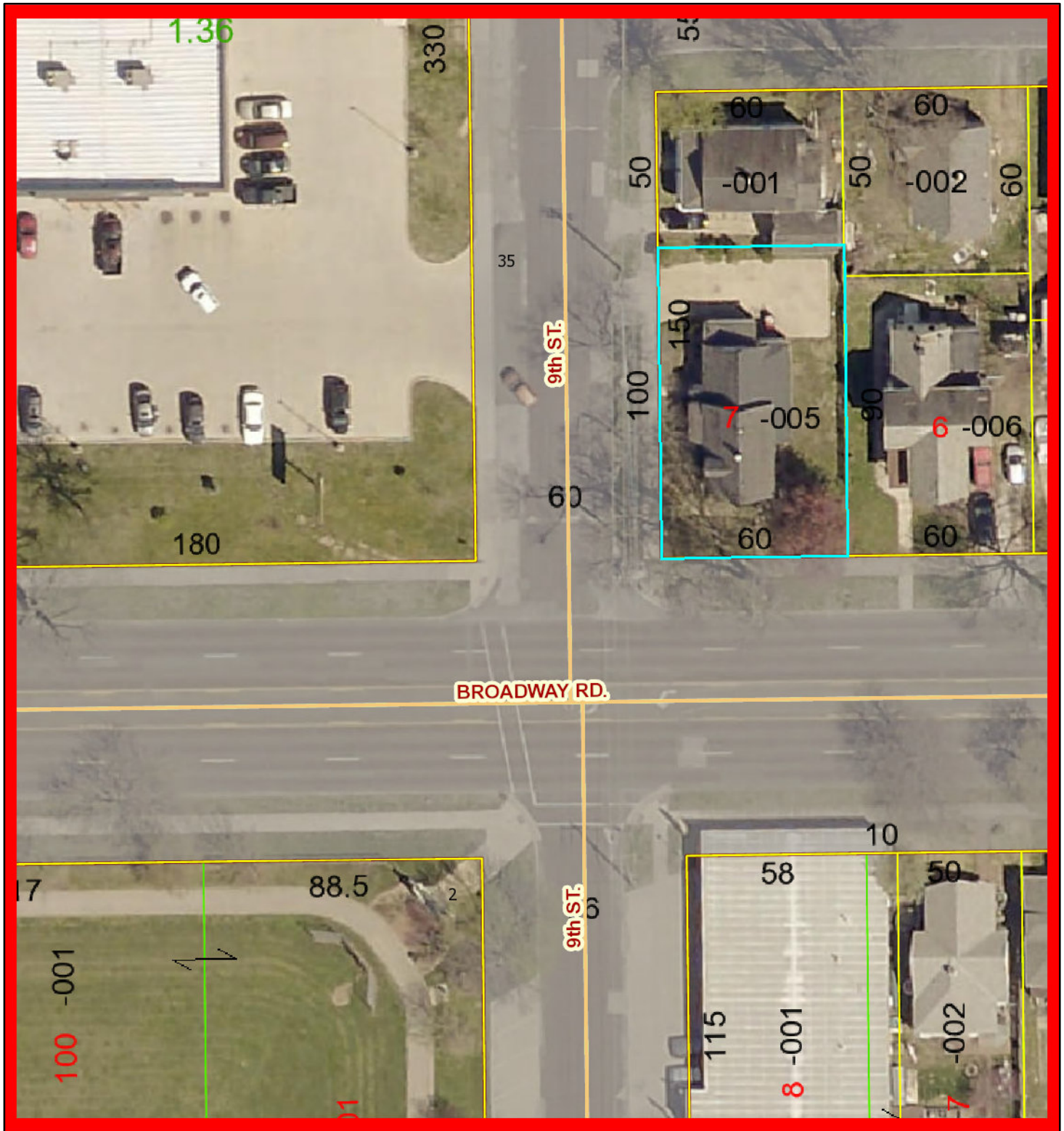
This property is in the Enterprise Zone as well as BDD zone according to internal communications with city.

The character of this and the Benson Appliance property have been accepted business locations for decades.

5. Does the benefit(s) of granting the variance outweighs any anticipated negative impacts to the surrounding properties (if any)?

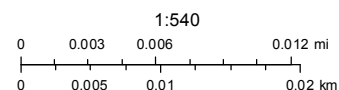
Proper rezoning to OS-1 on this corner lot would not seem to negatively impact surrounding properties as the histo

has not been a problem in 5 decades of business use and would be appropriate for accepted historical use



	I-155	Symbols		Tip 100		
	I-474			<all other values>		Tip 400
	I-74			Arrow 100		Sections
	IL 29			Arrow 400		OwnershipParcels
	IL 98			FromTo 100		TaxParcels
	US 150			FromTo 400		Blocks
	US 24			Hook 100		ROW
	Streets			Hook 400		Lots

Tazewell County GIS parcel and map records contained herein are for property tax purposes only. This information has been compiled from the most accurate source data from the public records of Tazewell County. This information must be accepted and used with the understanding that the data was collected primarily for the use and purpose of creating a Property Tax Roll per Illinois Statute. The information contained herein is for reference purposes only, and should not be relied upon as a substitute for a title search. Any reliance on the information contained herein is at the user's own risk. The Tazewell County GIS assumes no responsibility for any use of the information contained herein or any loss resulting therefrom. Users of Tazewell County GIS site assume all risk and liability when accessing any third-party site linked to this site. All data is subject to change.





REQUEST FOR COUNCIL ACTION

Agenda Date: January 23, 2023
To: Council Members
From: Hannah Martin, Zoning Administrator

AGENDA ITEM: Ordinance No. 4038-22/23 Variance Request at 417 Edgewood Drive

DESCRIPTION: A variance request submitted by Kristine Riley for accessory structure setbacks 417 Edgewood Dr. Said property is zoned R-4 One Family Residential District with a legal description of SEC 36 T25N R5W BRENTWOOD MANOR SUBD #2 LOT 53 SW 1/4, with the following PIN: 04-04-36-301-011, in Tazewell County, Illinois. Applicant wishes to build a 16'x14' addition onto the back of their attached garage to increase storage capacity. To do so, the following variance is needed:
 Reduce rear yard (north side) setback for primary structure to 4 feet which is 16 feet closer than the required minimum of 20 feet listed for R-4 One-Family Residential in 4-3-7-1(a).
 The Zoning Board of Appeals heard this request at their January 11, 2023 meeting and recommended approval.

FINANCIAL IMPACT: N/A

Requested Amount:
 Line Item:
 Budgeted Amount:
 Remaining Funds:

IMPACT IF APPROVED: ZBA recommendation will be approved as presented

IMPACT IF DENIED: ZBA recommendation will not be approved as presented

ALTERNATIVES:

RELATED TO THE 2019-2021 CITY COUNCIL GOALS:

5 Year CIP. The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

Enhance Code Enforcement Services. The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.

Business Friendly Community. The Council strives to bring new businesses to Pekin while helping to maintain and expand all existing businesses. It is therefore essential to work cooperatively to make Pekin a "Business-Friendly" Community.

Efficient and Effective Municipal Operations. A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness

Police & Fire Pension Obligation. To meet the 90% funding level by the year 2040 it is essential the City plan carefully and maintain financial discipline to meet its \$63 million dollar obligation.

Employee Residency. It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.

REQUIRED SIGNATURES**Finance Department** (Certification of Availability of Funds):

Date:

City Manager:

Date:

Ordinance No. 4038-22/23 Variance Request at 417 Edgewood Drive (Case V 2023-02)

WHEREAS, Kristine Riley (“Petitioner”) is the owner of the property located at 417 Edgewood Dr., Pekin, Illinois (the “Property”); and

WHEREAS, Petitioner has applied to the City for a variance to the provisions of section 4-3-7-1(a) of the City Zoning Code to allow for a 4 foot rear yard setback to accommodate an addition to an attached garage on the Property, as depicted in the petition attached hereto as Exhibit A; and

WHEREAS, after a hearing pursuant to duly published notice, the City of Pekin Zoning Board of Appeals has recommended approval of the requested variance; and

WHEREAS, the City Council of the City of Pekin finds that the Petition meets the standards for variance set forth in section 4-3-2-1-2 of the City Zoning Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pekin, Tazewell County, Illinois:

Section 1. The findings and recitations set forth above are found to be true and are adopted herein.

Section 2. The variance requested by Petitioner to allow a 4 foot rear yard setback, as depicted in the petition attached hereto as Exhibit A, is approved.

Section 3. The variance shall be in effect as of the effective date of this Ordinance.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith, excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK



Hannah Martin
 111 S. Capitol Street
 Community Development
 Pekin, Illinois 61554
 hmartin@ci.pekin.il.us
 (309) 478-5348

Zoning Board of Appeals Review Sheet January 11, 2023

Case V 2023-02

A variance request submitted by Kristine Riley for accessory structure setbacks 417 Edgewood Dr. Said property is zoned R-4 One Family Residential District with a legal description of SEC 36 T25N R5W BRENTWOOD MANOR SUBD #2 LOT 53 SW 1/4, with the following PIN: 04-04-36-301-011, in Tazewell County, Illinois

SUMMARY

Applicant wishes to build a 16'x14' addition onto the back of their attached garage to increase storage capacity.

- Reduce rear yard (east side) setback for primary structure to 4 feet which is 16 feet closer than the required minimum of 20 feet listed for R-4 One-Family Residential in 4-3-7-1(a).

STAFF NOTES

The three parcels immediately to the east (419, 421, and 423 Edgewood Dr.) all have garages (2 detached, 1 attached) or accessory structures with similar setbacks to that which the applicant is requesting. Staff recommends approval of the request.



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

Board of Appeals Application for Consideration

22 PER. 20021

Type of Request (check one): ☐ A. Special Use (\$85) ☒ B. Residential Variance (\$85) ☐ C. Non-Residential Variance (\$85) ☐ D. Map Amendment/Rezoning (\$75) ☐ E. Annexation (\$75)	Request Property Address or PIN: _____ Current Zoning (if known): R-4 _____ Proposed Zoning (if rezoning request): _____ Current Use: _____ Proposed Use (if different): _____
---	--

Property Owner Name:	Kristine Riley
Mailing Address:	417 Edgewood Dr.
Phone:	309 202 1516
Alternative Phone:	
E-Mail Address:	Kristiniley83@gmail.com

Applicant Name (if different):	
Mailing Address:	
Phone:	
Alternative Phone:	
E-Mail Address:	

pd - Brian Vandenberg
1/20/22



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

Please summarize your request and explain why it is necessary:

We need an addition to our existing garage for additional storage space.

CERTIFICATION BY PROPERTY OWNER

I certify that I am the owner of the property, which is the subject of this request. I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief. If an applicant is signing below, that applicant has received my approval to proceed with this request.

AK Riley
Owner Signature

12/7/22
Date

CERTIFICATION BY THE APPLICANT (if different)

I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief.

Applicant Signature

Date

checked by
12/15/22
[Signature]



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

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1. Variances are intended to relieve situations involving a hardship in meeting Zoning Code requirements. What is the hardship that this variance request is intended to relieve? Examples of hardships can include the topography of the lot, unique shape of the lot or other physical conditions that prevent the request from meeting the requirements of the Zoning Code.

no

2. Is the variance needed due to special and unique circumstances not caused by the applicant's or owner's own actions?

no

3. Should the request be approved, will the variance negatively impact adjoining properties in any way?

no

4. Will the variance be consistent with the purpose and intent of the Zoning Code and not alter the essential character of the locality?

Yes

5. Does the benefit(s) of granting the variance outweighs any anticipated negative impacts to the surrounding properties (if any)?

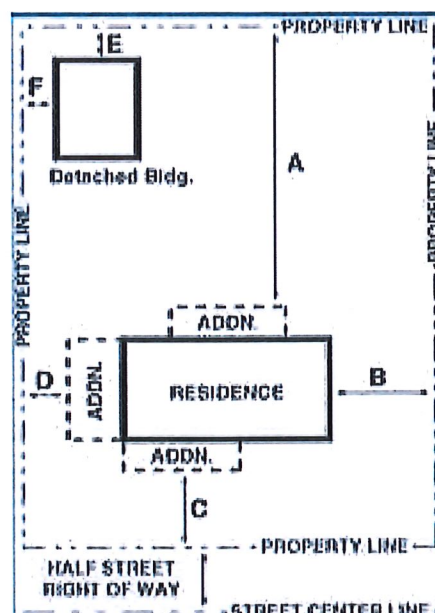
Yes

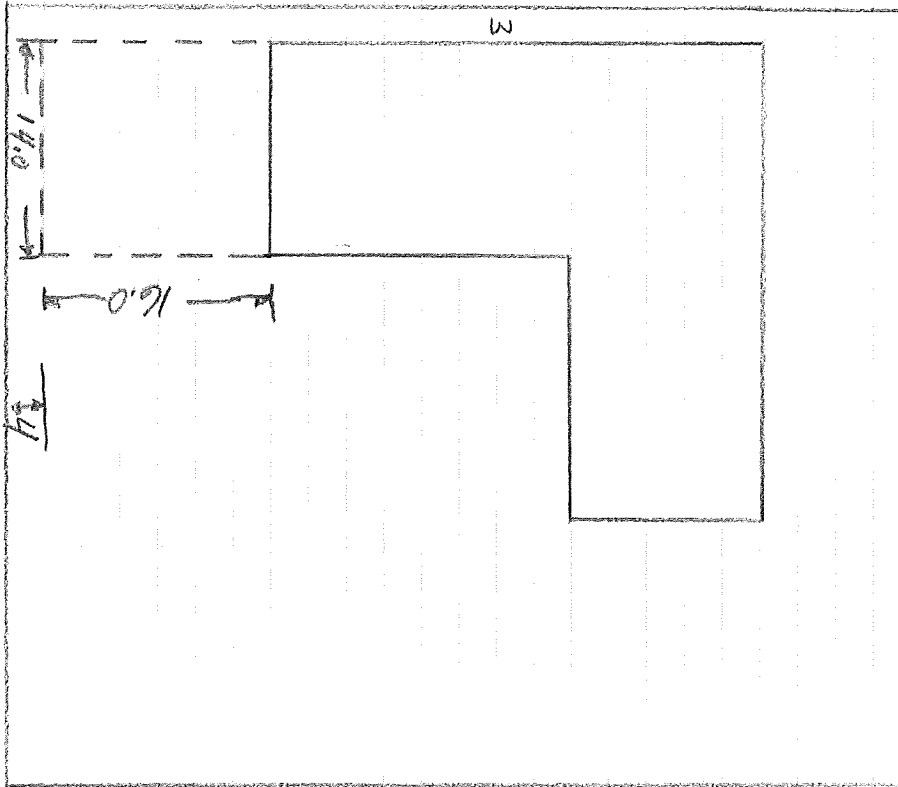


Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

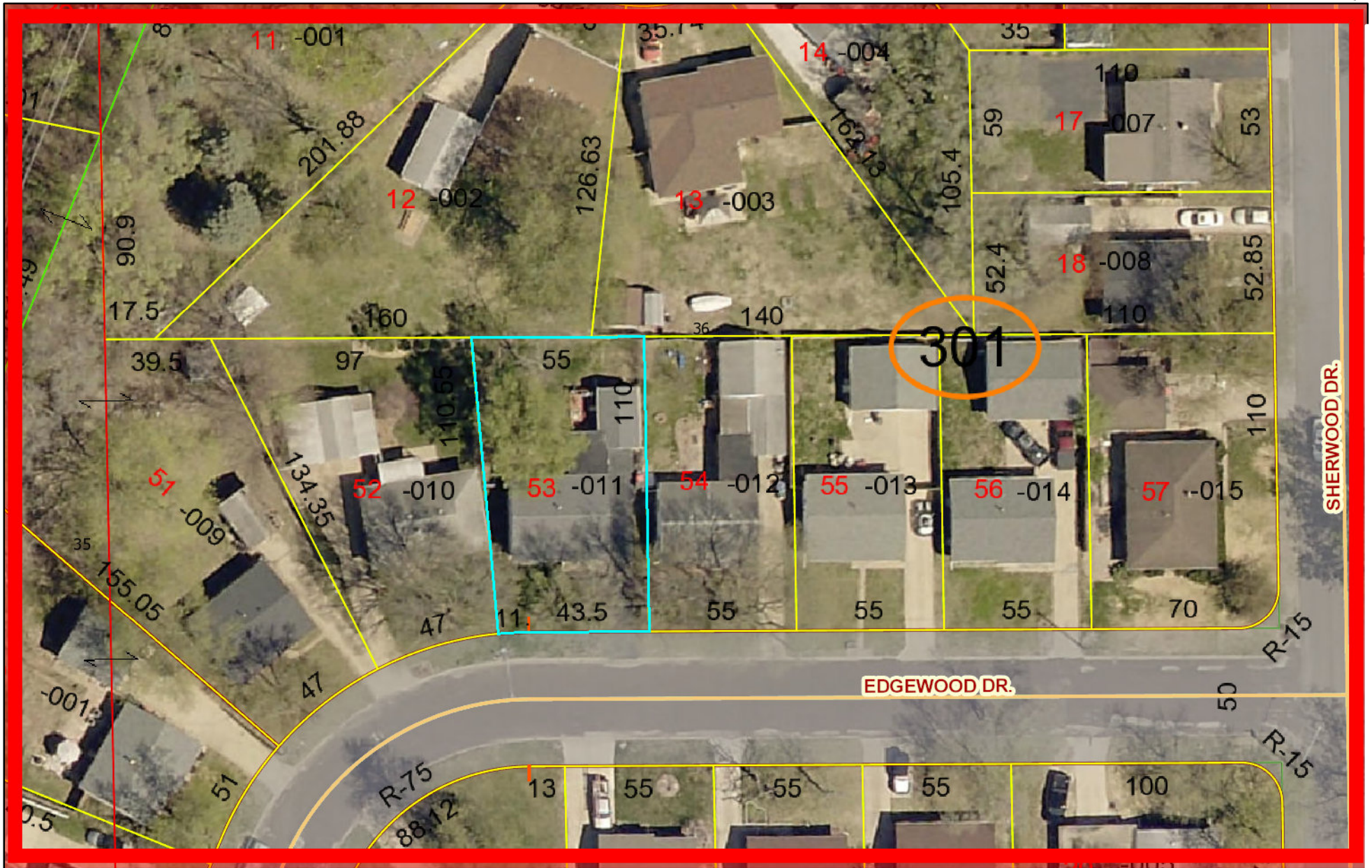
The following attachments are required for consideration of your request:

- I. Site Plan:** An electronic copy (preferred) or two physical copies of a site plan for the proposal showing:
1. A scale of not less than one inch equals fifty feet (1" = 50') if the subject property is less than three (3) acres and one inch equals one hundred feet (1" = 100') if three (3) acres or more. Date, north point and scale.
 2. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties. The location of all existing and proposed structures on the subject property and all structures within one hundred feet (100') of the subject property. The location of all existing and proposed drives and parking areas. The location and right-of-way widths of all abutting streets and alleys.
 3. Attachments such as landscape plan, photograph or renderings of existing and proposed site, building layouts or elevations, etc. are commended in order to provide accurate and sufficient information for review by the Development Review Committee and consideration by the Plan Commission.
 4. The names, addresses, and phone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan (commercial projects only).



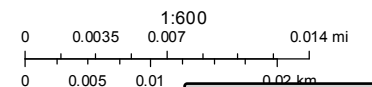






- | | | |
|---------|----------|-----------|
| — I-155 | — IL 29 | — US 24 |
| — I-474 | — IL 98 | — Streets |
| — I-74 | — US 150 | |

Tazewell County GIS parcel and map records contained herein are for property tax purposes only. This information has been compiled from the most accurate source data from the public records of Tazewell County. This information must be accepted and used with the understanding that the data was collected primarily for the use and purpose of creating a Property Tax Roll per Illinois Statute. The information contained herein is for reference purposes only, and should not be relied upon as a substitute for a title search. Any reliance on the information contained herein is at the user's own risk. The Tazewell County GIS assumes no responsibility for any use of the information contained herein or any loss resulting therefrom. Users of Tazewell County GIS site assume all risk and liability when accessing any third-party site linked to this site. All data is subject to change.



**REQUEST FOR COUNCIL ACTION**

Agenda Date: January 23, 2023
To: Council Members
From: Sue McMillan, City Clerk

AGENDA ITEM: Reader Area Development, Inc. Downtown Report - Strategies for a Revitalized Business District

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):
Date:

City Manager:
Date:

Pekin, Illinois

DOWNTOWN REPORT

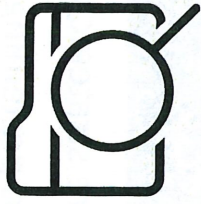
STRATEGIES FOR A REVITALIZED BUSINESS DISTRICT



OBJECTIVE

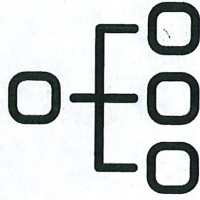
The objective of the Downtown Report is to provide the City of Pekin with an outside analysis of observations as it relates to the building stock, business mix, and brand essence within the downtown business district.

It also aims to provide City staff, elected officials, and community stakeholders with viable recommendations for stabilization and growth in the short term by determining what is missing, preparation that is needed to take place, and how to achieve the desired level of success with adequate funding.



Evaluate

the current conditions of a designated territory in the downtown business district.



Build

on the assets that already exist and find new ways to position downtown for success.



Develop

a series of recommendations to guide future investment strengthening downtown.

OBSERVATIONS

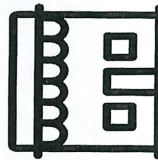
Despite challenging economic times nationally and locally for small businesses over the recent decade, the vested stakeholders in the downtown business district are very resilient and optimistic about remaining in place.

The team met with startups, long-standing businesses as well as key business stakeholders from outside the district.



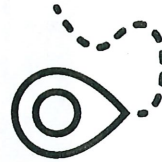
Buildings

ROOFING, STRUCTURAL, FACADE
& INTERIOR CONDITIONS



Businesses

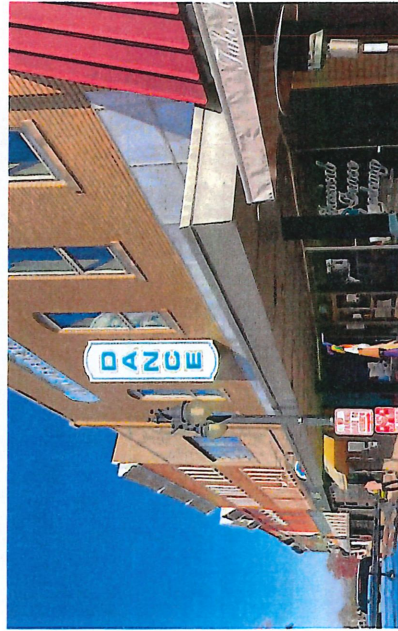
STOREFRONT EXPERIENCE



Branding

AESTHETICS, IDENTITY & PROMOTION

OBSERVATIONS



SIGNAGE

Very few businesses have utilized a formalized branding and signage of their storefronts. For those that do, a blade sign draws in visitors and passersby alike.

RESIDENTIAL TREATMENTS

The hallmark of historic business districts are their rich architectural heritage. Many residential construction treatments such as shingle roofing, vinyl siding, windows and doors take away from the character of a commercial downtown.

SENSE OF PLACE

Memorable downtown districts are recognized for having a “*sense of place*” which have a strong identity or character felt by local residents and visitors. This is an attracting force that pulls people to a designated area by using deliberate attempts to trigger sensory perceptions.

These can be things like a certain aesthetic of how the buildings look, a feel or texture of the streetscape, the smell emanating out of restaurants, or a set of unforgettable sounds from activities taking place within the downtown.



BUSINESS MIX

Directory of Downtown Businesses & Surrounding (Continued)

Healthcare:

Countermeasures, Inc.
Gateway Foundation
Help At Home
Lifeline Counseling & Consulting

Information Technology:

Liberation Software

Industrial:

Enviro-Safe Refrigerants
Excalibur Seasoning Innovation Center
Modal Marketing

Insurance:

Carney's Insurance Store
Monge, Crouch & Mahoney

Landscaping:

Jay's Landscaping

Legal:

Bagley & Miller
Baldwin Law
Bush, Neiner & Associates
Dale Thomas
Elliff, Dancy & Bosich PC
Frank E. Hoffman
Gerald L. Hall
Gougis Law

Harper Law

James D. Bradshaw
Kanoski Bresney
Kriegsman Dunn Attorneys
Kufuss & Proehl PC
Moehle Law
Powers Law
Smith & Weer PC

Real Estate:

Glassey Properties
Karl E. Kaebel Realtor
Stoneburner Home Solutions

Specialty Products & Design:

Pekin Trophy House & Engraved Gifts
T-Shirt House

Security:

SEICO Security

Tattoo Studios:

Psychedelic Tattoo

Veterinarian:

Pekin Veterinarian Hospital

Organizations

Agencies, Service Groups &

Nonprofits:

American Legion
Democratic Headquarters
Masonic Temple
Pekin Area Chamber of Commerce
Pekin Outreach Initiative
Pekin Union Mission
United Way of Pekin
YWCA of Pekin

Churches:

City Church
New Home of Hope
St. John's Lutheran Church
St. Joseph Catholic Church
St. Paul United Church of Christ

Government

City of Pekin
Illinois American Water
Illinois Drivers License Facility
Illinois States Attorney
Pekin Police Department
Pekin Public Library
Pekin Township
Tazewell County
Tazewell County Area Education For Employment
Tazewell County Justice Center
United States Post Office

WHAT'S MISSING?

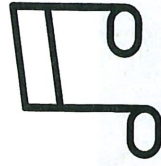
During the discovery phase of this study, the team concluded that although downtown Pekin is attracting new and returning economic activity, there is still a need for more attractions and amenities to distinguish it as a competitive regional destination.

These are a few aspects of what is currently missing and suggested additions to enhance the vibrancy and promote a greater sense of place.



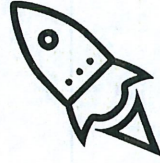
Third Places

Brewery, bookstore, and food market.



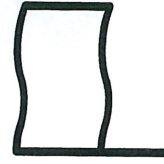
Entertainment

Bowling alley, comedy club, and live music venue.



Interactive Spaces

Makerspace, media lab, collaborative working space, and arts collective.



Placemaking

Art installations, bike facilities, wayfinding signage, parklets, and green design elements.



VACANT TO VIBRANT

Given the quality of building stock, eclectic mixture of small businesses, and proximity along the Illinois River, downtown Pekin has every opportunity to strengthen its power of place to draw in new visitors and regular recurring activity from its residents. Leveraging existing efforts, amenities and incentives will reduce redundant activities and shorten the time needed to get to the level of increased vibrancy in the district. The following three categories are used to organize the recommendations for the downtown district: **Buildings. Businesses. and Branding.**

Attachment: **Downtown Report - Strategies for a Revitalized Business District (3360 : Reader Area Development, Inc. Downtown Report -**

BUSINESSES



STRONG BUSINESS CULTURE

Integral to the success of any downtown is its local culture. It is important to remember that assistance, mentoring, and funding is necessary to support ongoing efforts to establish entrepreneurs, artists, and a robust small business climate. Every town requires the early-stage pioneers that are the champions to lead a sustaining revitalization.

STRATEGIC CLUSTERING

Pairing similar business types in a coordinated matter allows for a clustering effect to obtain a critical mass of certain categories: shopping, dining, entertainment, and services. Orchestrating such an undertaking to locate boutiques near boutiques or restaurants in a row allows a consumer to process what is in a downtown district making it simplified to

MAKER-FIRST MENTALITY

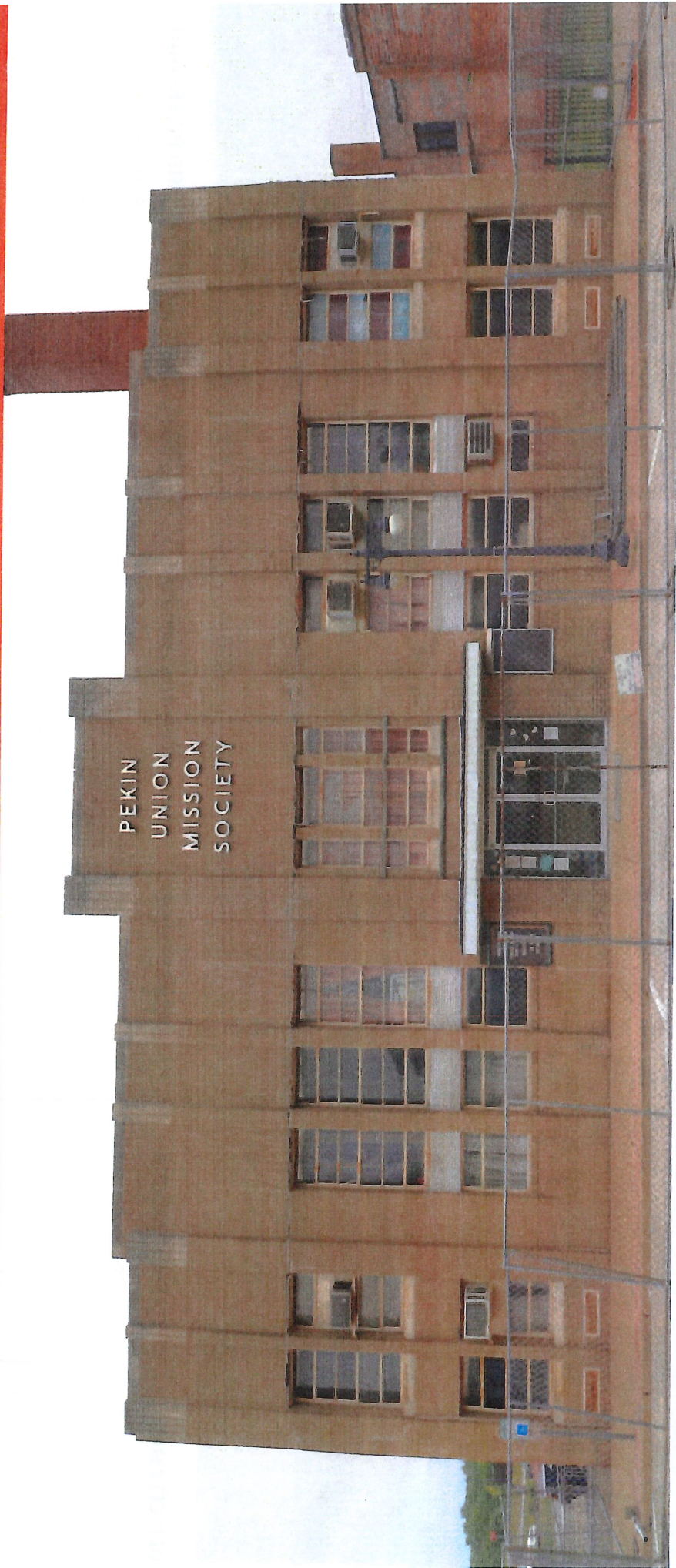
An attraction strategy to obtain and cultivate new business within a district is one thing, a maker-first mentality to approaching business attraction takes things to the next level. That is to say, not just a place to buy bread, but a bakery that bakes fresh bread daily and sells, delivers, and wholesales. Examples of other destination-based businesses: brewery, coffee roaster, creamery,

CAFE SEATING & OUTDOOR MERCHANDISING

Draw from the sidewalk in with outdoor cafe seating and storefront merchandising. Great streets across the country have allowed their businesses to create intimate settings eating al fresco and promoting sidewalk sales. These elements increase curb appeal and soften transitions from building facade to sidewalks and parking spaces.

COORDINATED BUSINESS HOURS

Typical hours of operation are inconsistent with activating space during weeknights and weekends when visitors to the area are more likely to be present. Creating a unified schedule between shopping and dining sets an established period when businesses are more likely to be prepared and consumers can participate.



CATALYTIC SITES

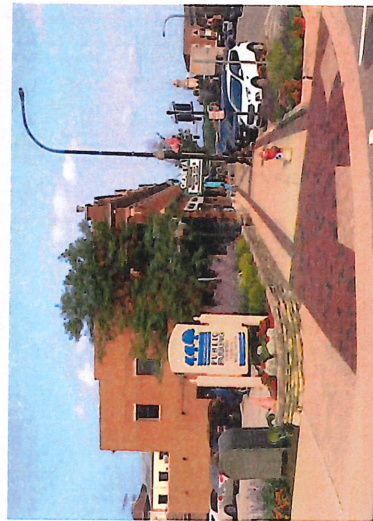
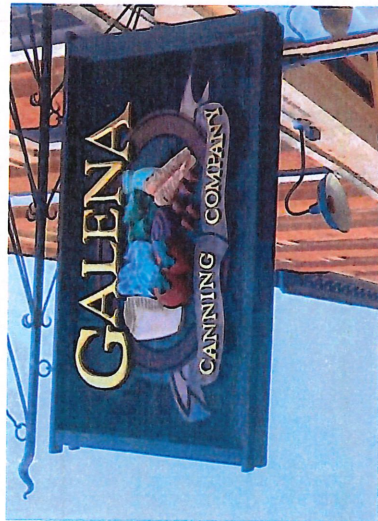
A market strategy to leverage existing assets and coordinate investments into the downtown business district for maximum impact.

RECOMMENDATIONS

ANNUAL BUDGET

Downtown Manager	\$	50,000
Building Stabilization Program	\$	500,000
Life Safety & Green Enhancement Fund	\$	150,000
Storefront Improvement Fund	\$	50,000
Retail/Restaurant Attraction Incentives	\$	50,000
Placemaking Projects	\$	25,000
Marketing & Events	\$	100,000
Planning, Engineering & Branding	\$	75,000
Property Assembly/Demolition	\$	175,000
Infrastructure & Streetscape	\$	825,000
Total	\$	2,000,000

CHECKLIST



2023	☐	Develop new building stabilization & upper-story living programs.
	☐	Create downtown business attraction, storefront & assistance programs.
	☐	Coordinate small business bootcamps & entrepreneurial workshops.
	☐	Select block(s) to begin parking lot demonstration projects.
	☐	Stabilize the Pekin Union Mission building.
	☐	Recruit new businesses (<i>bakery, bookstore, gift shop, vintage boutique</i>).
2024	☐	Stimulate redevelopment of upper-story living units.
	☐	Launch commerce-driven events series by collaborating with businesses.
	☐	Program Roxy's Lanes into destination experience small business.
	☐	Begin rebranding of downtown Pekin.
	☐	Identify future sidewalk accessibility, bike, art & cafe seating enhancements.
	☐	Recruit new businesses (<i>wine shop, restaurant, home decor, women's boutique</i>).
2025	☐	Implement new parking management & wayfinding signage strategy.
	☐	Enhance public realm with creative placemaking projects.
	☐	Release Riverfront Development RFP to seek a mixed-use phased development.
	☐	Transition as many remaining targeted properties into new ownership.
	☐	Cultivate artisans to form DIY maker space in Old City Hall building.
	☐	Recruit new businesses (<i>brewery, restaurant, candle shop, outdoor & recreation store</i>).
2026	☐	Execute branded marketing campaign with print, tv, radio & social media buys.
	☐	Re-position Old Post Office as the premier multi-use event space in downtown.
	☐	Work with school district to create artistic branded banners for street lights.
	☐	Continue to recruit artists & makers to the downtown area.
	☐	Partner with Park District to program activities on bike trail & riverfront park.
	☐	Recruit new businesses (<i>specialty retail, children's boutique, food market</i>).



REQUEST FOR COUNCIL ACTION

Agenda Date: January 23, 2023
To: Council Members
From: Hannah Martin, Zoning Administrator

AGENDA ITEM: Ordinance No. 4039-22/23 Variance Request at 100 Ironwood Drive

ACTION REQUESTED: Approve and Adopt the Ordinance.

DESCRIPTION: A variance request submitted by Drew Leman (McKinley Apartments LLC) to waive the obscuring wall requirement where the off-street parking area at 100 Ironwood Dr abuts a residential district. Said property is zoned OS-1 Office Service District with a legal description of SEC 31 T25N R4W HICKORY HILLS ESTATES SEC 4 LOT 5 (EXC SW COR) NW 1/4 AAA 19 & 20, with the following PIN: 05-05-31-311-037, in Tazewell County, Illinois.

A 4'6" high obscuring wall is required to be provided and maintained on those sides abutting or adjacent to a residential district for the uses and use districts listed in city code Sec. 4-3-8-7(a)(1)a. This includes Off-street parking areas (other than P-1 Vehicular Parking Districts) and B-1, B-2, B-3, and OS-1 Districts. The off-street parking area at 100 Ironwood abuts a RM-2 Multiple Family Residential District for approximately 180 feet on the north side, and RE Residential Estate for approximately 35 feet also on the north side. To the west and east, the zoning is OS-1 Office Service District. Going south (across Broadway St.) the properties are outside city limits and zoned A-1 and R-1.

The Zoning Board of Appeals heard this request at their January 11, 2023 meeting and made a recommendation to allow a variance of the obscuring wall requirements to permit a substitution of vegetation installed at a minimum height of thirty-six inches tall at the time of installation.

FINANCIAL IMPACT: N/A

Requested Amount:
 Line Item:
 Budgeted Amount:
 Remaining Funds:

IMPACT IF APPROVED: ZBA Recommendation will be approved as presented

IMPACT IF DENIED: ZBA Recommendation will not be approved as presented

ALTERNATIVES:

RELATED TO THE 2019-2021 CITY COUNCIL GOALS:

5 Year CIP. The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

Enhance Code Enforcement Services. The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.

Business Friendly Community. The Council strives to bring new businesses to Pekin while helping to maintain and expand all existing businesses. It is therefore essential to work cooperatively to make Pekin a "Business-Friendly" Community.

Efficient and Effective Municipal Operations. A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness

Police & Fire Pension Obligation. To meet the 90% funding level by the year 2040 it is

	essential the City plan carefully and maintain financial discipline to meet its \$63 million bond obligation.
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	Employee Residency. It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.
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REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Ordinance No. 4039-22/23 Variance Request at 100 Ironwood Drive (Case V 2023-01)

WHEREAS, McKinley Apartments, LLC, (“Petitioner”) is the owner of the property located at 100 Ironwood Dr., Pekin, Illinois (the “Property”); and

WHEREAS, Petitioner has applied to the City for a variance to the provisions of section 4-3-8-7(a)(1) of the City Zoning Code to waive the requirement that a 4’6” wall be erected to shield the off-street parking area on the Property from adjacent residential lots; and

WHEREAS, after a hearing pursuant to duly published notice, the City of Pekin Zoning Board of Appeals has recommended approval of a modified variance allowing the planting of vegetation screening instead of an obscuring wall; and

WHEREAS, the City Council of the City of Pekin finds that the Petition meets the standards for variance set forth in section 4-3-2-1-2 of the City Zoning Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pekin, Tazewell County, Illinois:

Section 1. The findings and recitations set forth above are found to be true and are adopted herein.

Section 2. The variance requested by Petitioner to waive the requirement of section 4-3-8-7(a)(1) is approved on the condition that Petitioner plant screening vegetation to screen the off-street parking area of the Property from adjacent residential lots. Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least 36 inches in height and shall reach a height of 4’6” inches within two years of planting.

Section 3. The variance shall be in effect as of the effective date of this Ordinance.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith, excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK



Hannah Martin
 111 S. Capitol Street
 Community Development
 Pekin, Illinois 61554
 hmartin@ci.pekin.il.us
 (309) 478-5348

Zoning Board of Appeals Review Sheet January 11, 2023

CASE V 2023-01

A variance request by Drew Leman (McKinley Apartments LLC) to waive the obscuring wall requirement where the offstreet parking area at 100 Ironwood Dr abuts a residential district. Said property is zoned OS-1 Office Service District with a legal description of SEC 31 T25N R4W HICKORY HILLS ESTATES SEC 4 LOT 5 (EXC SW COR) NW 1/4 AAA 19 & 20, with the following PIN: 05-05-31-311-037, in Tazewell County, Illinois.

SUMMARY

A 4'6" high obscuring wall is required to be provided and maintained on those sides abutting or adjacent to a residential district for the uses and use districts listed in city code Sec. 4-3-8-7(a)(1)a. This includes Off-street parking areas (other than P-1 Vehicular Parking Districts) and B-1, B-2, B-3, and OS-1 Districts. The off-street parking area at 100 Ironwood abuts a RM-2 Multiple Family Residential District for approximately 180 feet on the north side, and RE Residential Estate for approximately 35 feet also on the north side. To the west and east, the zoning is OS-1 Office Service District. Going south (across Broadway St.) the properties are outside city limits and zoned A-1 and R-1.

There is also some discretionary judgment granted in Sec. 4-3-8-7(a)(1)b. "...Upon review of the site plan, the Zoning Board of Appeals or the City staff may approve an alternate location for the wall or may waive the wall requirement if, in specific cases, it would not serve the purposes of screening the parking area effectively. ...". The wall requirement was not identified during the site plan review process by city staff. However, it was also not officially waived by staff or the Zoning Board of Appeals. Thus, the wall requirement can presently still be enforced.

STAFF NOTES

It is staff's opinion that interpreting the requirements of the code for this particular issue leads to construction of a wall that will not provide a significant benefit to the neighboring residential properties. Additionally, enforcing this wall requirement would not appear to be visually consistent with similar properties along Broadway St. (OS-1 zoned or otherwise having larger off-street parking areas) which abut residential districts or uses and have no fence or obscuring wall. Staff recommends approval of the request.



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

Board of Appeals Application for Consideration

Type of Request (check one): ☐ A. Special Use (\$85) ☐ B. Residential Variance (\$85) ☒ C. Non-Residential Variance (\$85) ☐ D. Map Amendment/Rezoning (\$75) ☐ E. Annexation (\$75)	Request Property Address or PIN: 05-05-31-311-037
	Current Zoning (if known): OS-1
	Proposed Zoning (if rezoning request): OS-1
	Current Use: 16 apartment units
	Proposed Use (if different): Same

Property Owner Name:	McKinley Apartments LLC
Mailing Address:	2807 Broadway Rd., Suite B, Pekin, IL 61554
Phone:	309-347-5984 x 3
Alternative Phone:	
E-Mail Address:	drew@lemanprops.com

Applicant Name (if different):	
Mailing Address:	
Phone:	
Alternative Phone:	
E-Mail Address:	



Planning and Zoning Department
 111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

Please summarize your request and explain why it is necessary:

A fence between multifamily properties would serve no purpose and

not be an aesthetic improvement. Furthermore, none of the bordering businesses that also border residential have fences.

CERTIFICATION BY PROPERTY OWNER

I certify that I am the owner of the property, which is the subject of this request. I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief. If an applicant is signing below, that applicant has received my approval to proceed with this request.

Owner Signature

Date

CERTIFICATION BY THE APPLICANT (if different)

I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief.

Applicant Signature

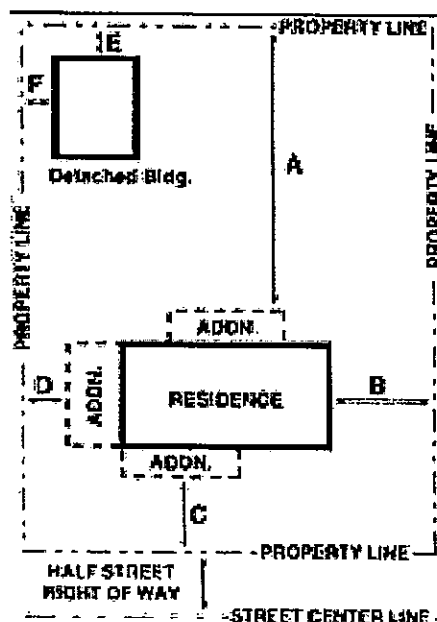
Date



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

The following attachments are required for consideration of your request:

- I. **Site Plan:** An electronic copy (preferred) or two physical copies of a site plan for the proposal showing:
1. A scale of not less than one inch equals fifty feet (1" = 50') if the subject property is less than three (3) acres and one inch equals one hundred feet (1" = 100') if three (3) acres or more. Date, north point and scale.
 2. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties. The location of all existing and proposed structures on the subject property and all structures within one hundred feet (100') of the subject property. The location of all existing and proposed drives and parking areas. The location and right-of-way widths of all abutting streets and alleys.
 3. Attachments such as landscape plan, photograph or renderings of existing and proposed site, building layouts or elevations, etc. are commended in order to provide accurate and sufficient information for review by the Development Review Committee and consideration by the Plan Commission.
 4. The names, addresses, and phone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan (commercial projects only).





Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

II. Payment: Payment of the amount indicated on the first page to accompany your application. If making payment via check, please make payment payable to the "City of Pekin".

III. Variance: If requesting a variance, you must complete and attach this page to your application:

1. Variances are intended to relieve situations involving a hardship in meeting Zoning Code requirements. What is the hardship that this variance request is intended to relieve? Examples of hardships can include the topography of the lot, unique shape of the lot or other physical conditions that prevent the request from meeting the requirements of the Zoning Code.

The hardship is the unattractive end product that would result from putting up a fence.

2. Is the variance needed due to special and unique circumstances not caused by the applicant's or owner's own actions?

Yes, This site was approved by the city without a fence.

3. Should the request be approved, will the variance negatively impact adjoining properties in any way?

No. The adjoining properties will have the view of a beautiful building instead of a 4 1/2 foot fence.

4. Will the variance be consistent with the purpose and intent of the Zoning Code and not alter the essential character of the locality?

The variance would keep the look of the entire neighborhood consistent.

5. Does the benefit(s) of granting the variance outweighs any anticipated negative impacts to the surrounding properties (if any)?

Yes.



LEMAN PROPERTY MANAGEMENT CO.

2807 BROADWAY, SUITE B PEKIN, IL 61554 309-347-5984 FAX 309-347-5988

January 6, 2023

Dear Zoning Board of Appeals Member,

I am scheduled to appear before your committee on Wednesday, January 11th to request a non-residential variance for the new apartment complex we have recently constructed at 100 Ironwood Drive. In advance of this meeting I would like to provide you with a brief history of this development; a summary of our encounters with a neighbor; and, lastly, an invitation.

This development is the culmination of countless conversations and planning sessions, along with analysis of our different apartment projects throughout the area. For many years we have consistently received feedback from local businesses and school districts of the need for newly constructed, upscale apartments. We are very proud of how this development--The McKinley--turned out. The property opened up on December 1st, and a majority of the leases signed during the first month were from out-of-town residents attracted by the high end finishes throughout the buildings. This complex may be our nicest addition yet to our Platinum Collection, the high end complexes in our portfolio.

While the feedback we have received has been almost unanimous in support, we have struggled with one neighbor located at 201 Dogwood Lane. This neighbor borders roughly twenty feet at the northeast edge of our property. The neighbor first complained to us during the construction period when the dumpster pad was poured. He requested a meeting, and we walked the property with him. We put up a fully enclosed fence around the dumpster, and then added 18 arborvitae trees around the dumpster to fully screen this area. However, he claimed he would only be "pacified" if we further agreed to plant 7 additional arborvitae trees in *his* yard, acting as an additional screen. When we respectfully declined, he informed us that he would pursue further action with the City. Since that time he has filed complaints about our detention pond; exterior lighting; dumpster gate; and signage. It has become apparent that he is retaliating, whether in response to us declining to landscape his yard, or simply our decision to develop a formerly vacant land tract that perhaps he had grown accustomed to.

I would like to extend an invitation to you to come visit the property. I will be happy to show you around, as we are very pleased with the finished product. The lot is zoned OS-1, although I do believe a multifamily zoning would be more appropriate. It is adjacent to a multifamily duplex, and we believe a multifamily apartment building adjacent to a multifamily duplex would not require a fence. Any such fence would detract from the aesthetics of the development, and would serve no readily identifiable purpose. In fact, the adjacent homeowner association restricts fences. No other businesses along Broadway have fences between the lots bordering Broadway and Hickory Hills.

Thank you for your time in reviewing this matter.

Respectfully,

Drew Leman

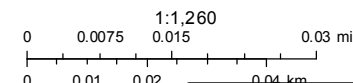
CEO

Attachment: Case V 2023-01 Letter (3350 : Ordinance No. 4039-22/23 Variance Request at 100 Ironwood Drive)



- I-155
- IL 29
- US 24
- I-474
- IL 98
- Streets
- I-74
- US 150

Tazewell County GIS parcel and map records contained herein are for property tax purposes only. This information has been compiled from the most accurate source data from the public records of Tazewell County. This information must be accepted and used with the understanding that the data was collected primarily for the use and purpose of creating a Property Tax Roll per Illinois Statute. The information contained herein is for reference purposes only, and should not be relied upon as a substitute for a title search. Any reliance on the information contained herein is at the user's own risk. The Tazewell County GIS assumes no responsibility for any use of the information contained herein or any loss resulting therefrom. Users of Tazewell County GIS site assume all risk and liability when accessing any third-party site linked to this site. All data is subject to change.





REQUEST FOR COUNCIL ACTION

Agenda Date: January 23, 2023
To: Council Members
From: Bruce Marston, Interim City Manager/Finance Director

AGENDA ITEM: Rescind Ordinance No. 4010-22/23 Amending Sidewalk Snow Removal Policy

ACTION REQUESTED: Rescind Ordinance No. 4010-22/23.

DESCRIPTION: In August 2022, Council amended Ordinance 4010-22/23 to require residents be responsible for the removal of snow from the sidewalks on residential property. This action will rescind that amended Ordinance so that it applies only to commercial establishments and residents will no longer be responsible for removing snow from sidewalks on residential property.

FINANCIAL IMPACT:

Requested Amount: N/A
 Line Item:
 Budgeted Amount:
 Remaining Funds:

IMPACT IF APPROVED: The ordinance will be adopted.

IMPACT IF DENIED: The ordinance will not be adopted.

ALTERNATIVES:

RELATED TO THE 2019-2021 CITY COUNCIL GOALS:

5 Year CIP. The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

Enhance Code Enforcement Services. The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.

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Efficient and Effective Municipal Operations. A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness

Police & Fire Pension Obligation. To meet the 90% funding level by the year 2040 it is essential the City plan carefully and maintain financial discipline to meet its \$63 million dollar obligation.

Employee Residency. It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Bruce Q Marston

Bruce Q Marston, Interim City Manager/Finance Director

1/19/2023

Date:

City Manager:

Date:

Rescind Ordinance No. 4010-22/23 Amending Chapter 5, Article IV, Division 2, Section 1-7 of the Pekin City Code Regarding the Sidewalk Snow Removal Policy

WHEREAS, the City passed Ordinance No. 4010-22/23 on August 22, 2022, which amended section 5-4-2-1-7 of the Pekin City Code regarding the removal of snow and ice from the sidewalks; and

WHEREAS, Ordinance No. 4010-22/23 imposed on homeowners within the City the obligation to remove snow and ice from the sidewalks abutting their residences; and

WHEREAS, the City Council now desires to rescind said Ordinance No. 4010-22/23.

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

Section 1. The findings and recitations set forth above are adopted and found to be true and correct.

Section 2. Ordinance No. 4010-22/23, passed by this Council on August 22, 2022, is hereby rescinded in its entirety.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK

Sec. 5-4-2-1-7. - Sidewalk snow and ice removal policy.

- (a) All commercial property owners must remove snow and or ice within 24 hours after the snow stops falling, when accumulations are less than six inches, and within 36 hours after six or more inches of snow accumulates as measured by the National Weather Service. If another snow event occurs, the clock will be reset to the end of the most recent snowfall event.
- (b) Snow and ice must be removed from the sidewalk to a minimum of four feet wide to accommodate wheelchairs, people with disabilities, strollers, adults with children in hand and general public.
- (c) Noncompliance with this Section could result in a civil penalty of \$25.00 for sidewalks less than 200 linear feet in length, or \$75.00 for sidewalks longer than 200 feet.
- (d) The City may remove the snow or ice on private property when the owner fails to comply within the designated time period, and charge the cost, to the owner.
- (e) The areas listed below for snow removal include all corners of all intersections.
- (f) All commercial property owners are required to remove snow and ice from public sidewalks adjacent to their property, in accordance with the regulations stated in this Section. Commercial property shall be defined as real estate used for retail or wholesale trade, hotel, restaurant, offices, clinics, warehouses, light manufacturing, and other such uses but not for residential purposes. This requirement also includes:
 - (1) All public buildings, public and private schools, hospitals, ~~and~~ churches, and parks;
 - (2) CityLink is responsible for snow removal within a ten-foot radius around bus shelters and benches on marked primary snow routes.
- (g) Depositing snow and ice on public streets or sidewalks is prohibited. Such action may result in a fine of \$250.00. Exceptions include if snow/ice sidewalk adjacent to a driving lane that is narrow and there is no other place for the snowplows to deposit snow.

(Ord. No. 2749-16/17, § 4-2-10, 11-14-2016)



REQUEST FOR COUNCIL ACTION

Agenda Date: January 23, 2023
To: Council Members
From: Josie Esker, City Engineer

AGENDA ITEM: Resolution No. 530-22/23 Approve Intergovernmental Agreement for Guardrail Improvement Project

ACTION REQUESTED: Approve and Adopt the Resolution.

DESCRIPTION: The City recently participated in a grant application for guardrail improvements for multiple counties, cities, and townships in the area. The HSIP grant was awarded, so guardrail improvements in the area will be funded at 90%, with a 10% local match. The areas that the City of Pekin applied for are on Sheridan Road and a small part of S. 18th Street. The total cost of the City of Pekin's portion of the project is estimated at \$66,120.91, of which the City would be responsible for \$6,612.09. The guardrail along Sheridan Road hill is in especially poor condition and is in desperate need of replacement.

This item is to approve intergovernmental agreement between all of the local agencies involved in this guardrail project so that the project can continue to move forward. Staff recommends approving the agreement.

FINANCIAL IMPACT:

Requested Amount: \$6,612.09
 Line Item: 445-041-584000
 Budgeted Amount: Will need to put in next year's budget
 Remaining Funds: N/A

IMPACT IF APPROVED: The agreement will be approved.

IMPACT IF DENIED: The agreement will not be approved.

ALTERNATIVES:

RELATED TO THE 2019-2021 CITY COUNCIL GOALS:

5 Year CIP. The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

Enhance Code Enforcement Services. The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.

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Efficient and Effective Municipal Operations. A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness.

Employee Residency. It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Date:

Resolution No. 530-22/23 Approve Intergovernmental Agreement for Guardrail Improvement Project

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

WHEREAS, the City of Pekin, as a home rule municipality, may exercise power and perform any function pertaining to its government and affairs, including, but not limited to, the power to legislate for the protection of the public health, safety, and welfare; and

WHEREAS, the City participated in a Highway Safety Improvement Program (HSIP) grant application for guardrail improvements for multiple counties, cities, and townships in the area. The HSIP grant was awarded, so guardrail improvements in the area will be grant funded at 90%, with a 10% local match; and

WHEREAS, the areas that the City of Pekin applied for guardrail replacement are on Sheridan Road and a small part of S. 18th Street; and

WHEREAS, the grant will be administered by Tazewell County as lead agency pursuant to an intergovernmental agreement between all participating units of local government.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. The findings and recitations set forth above are adopted and found to be true and correct.

Section 2. The contribution of a 10% local match as required for the HSIP grant award is approved.

Section 3. The Mayor and/or the City Manager is authorized and directed to enter into the Intergovernmental Agreement the form attached hereto as Exhibit A, with such revisions and modifications as the Mayor and/or City Manager deem necessary and appropriate.

Section 4. The City Clerk is directed to attest to the execution of the Agreement as negotiated and approved by the Mayor and/or City Manager.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

INTERGOVERNMENTAL COOPERATION AGREEMENT
BETWEEN THE
COUNTY OF TAZEWELL,
CITY OF PEORIA IN THE COUNTY OF PEORIA,
VILLAGE OF BARTONVILLE IN THE COUNTY OF PEORIA,
TOWNSHIP ROAD DISTRICT OF HALLOCK IN THE COUNTY OF PEORIA,
TOWNSHIP ROAD DISTRICT OF LIMESTONE IN THE COUNTY OF PEORIA,
CITY OF PEKIN IN THE COUNTY OF TAZEWELL,
VILLAGE OF MORTON IN THE COUNTY OF TAZEWELL,
TOWNSHIP ROAD DISTRICT OF DEER CREEK IN THE COUNTY OF TAZEWELL,
TOWNSHIP ROAD DISTRICT OF GROVELAND IN THE COUNTY OF TAZEWELL,
TOWNSHIP ROAD DISTRICT OF MORTON IN THE COUNTY OF TAZEWELL,
TOWNSHIP ROAD DISTRICT OF TREMONT IN THE COUNTY OF TAZEWELL,
TOWNSHIP ROAD DISTRICT OF WASHINGTON IN THE COUNTY OF TAZEWELL,
AND THE
TOWNSHIP ROAD DISTRICT OF GREENE IN THE COUNTY OF WOODFORD,
ALL IN THE STATE OF ILLINOIS,

FOR

THE

TRI-COUNTY MULTI-JURISDICTIONAL
GUARDRAIL IMPROVEMENT PROJECT

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

WHEREAS, the County of Tazewell, State of Illinois, is a body politic and corporate; and,

WHEREAS, each of the City of Peoria and the Village of Bartonville, in the County of Peoria, State of Illinois, is a body politic and corporate; and,

WHEREAS, each of the Township Road Districts of Hallock and Limestone, in the County of Peoria, State of Illinois, is a body politic and corporate; and,

WHEREAS, each of the City of Pekin and the Village of Morton, in the County of Tazewell, State of Illinois, is a body politic and corporate; and,

WHEREAS, each of the Township Road Districts of Deer Creek, Groveland, Morton, Tremont and Washington, in the County of Tazewell, State of Illinois, is a body politic and corporate; and,

WHEREAS, the Township Road District of Greene, in the County of Woodford, State of Illinois, is a body politic and corporate; and,

WHEREAS, each of the aforementioned units of local government is a local highway authority responsible for the public roads under their respective jurisdiction as codified in the Illinois Highway Code; and,

WHEREAS, Tri-County Regional Planning Commission, hereafter TCRPC, is the Regional Planning Commission for the Tri-County Region of Peoria, Tazewell and Woodford Counties, in the State of Illinois; and,

WHEREAS, TCRPC staff offered to local highway authorities in said Tri-County Region to include their roadside safety hardware, hereafter guardrail, in an inventory to be used to apply for funding to upgrade and improve guardrail; and,

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

WHEREAS, each of the aforementioned units of local government, hereafter Local Agencies, did provide to TCRPC guardrail locations within the public roads under each of their respective jurisdictions and did consent to inclusion of such guardrail in the TCRPC guardrail inventory to be included in applications for such funding opportunities; and,

WHEREAS, TCRPC staff did inventory such local agency guardrail locations as their resources allowed and did submit to the Illinois Department of Transportation, hereafter IDOT, an application for federal Highway Safety Improvement Program, hereafter HSIP, funding for said guardrail improvements; and,

WHEREAS, TCRPC was awarded the IDOT administered HSIP grant; and,

WHEREAS, IDOT will not allow TCRPC to serve as the lead agency for the HSIP funded guardrail improvement project, hereafter Project, and requires a unit of local government to serve as the lead agency; and,

WHEREAS, TCRPC, the Local Agencies and IDOT jointly determined Tazewell County, State of Illinois would serve as the lead agency for the Project; and,

WHEREAS, no unit of local governmental may be held legally responsible for costs or liability for highways, roads or streets of any other unit of local government or any infrastructure they contain, including guardrail; and,

WHEREAS, the continued cooperation of the Local Agencies is in the public interest; and,

WHEREAS, Intergovernmental Cooperation Act (5 ILCS 220/) authorizes the Local Agencies to enter into Intergovernmental Agreements; and,

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Local Agencies to enter into Intergovernmental Agreements;

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED IN THIS AGREEMENT:

COUNTY OF TAZEWELL, STATE OF ILLINOIS;

CITY OF PEORIA IN THE COUNTY OF PEORIA, STATE OF ILLINOIS;

VILLAGE OF BARTONVILLE IN THE COUNTY OF PEORIA, STATE OF ILLINOIS;

TOWNSHIP ROAD DISTRICT OF HALLOCK IN THE COUNTY OF PEORIA, STATE OF ILLINOIS;

TOWNSHIP ROAD DISTRICT OF LIMESTONE IN THE COUNTY OF PEORIA, STATE OF ILLINOIS;

CITY OF PEKIN IN THE COUNTY OF TAZEWELL, STATE OF ILLINOIS;

VILLAGE OF MORTON IN THE COUNTY OF TAZEWELL, STATE OF ILLINOIS;

TOWNSHIP ROAD DISTRICT OF DEER CREEK IN THE COUNTY OF TAZEWELL, STATE OF ILLINOIS;

TOWNSHIP ROAD DISTRICT OF GROVELAND IN THE COUNTY OF TAZEWELL, STATE OF ILLINOIS;

TOWNSHIP ROAD DISTRICT OF MORTON IN THE COUNTY OF TAZEWELL, STATE OF ILLINOIS;

TOWNSHIP ROAD DISTRICT OF TREMONT IN THE COUNTY OF TAZEWELL, STATE OF ILLINOIS;

TOWNSHIP ROAD DISTRICT OF WASHINGTON IN THE COUNTY OF TAZEWELL, STATE OF ILLINOIS;

TOWNSHIP ROAD DISTRICT OF GREENE IN THE COUNTY OF WOODFORD, STATE OF ILLINOIS;

DO HEREBY AGREE AS FOLLOWS:

1. That the foregoing is true, accurate and factual.

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

2. That should any of the foregoing be found to be false, inaccurate or not factual, such finding shall have no bearing on this agreement and this agreement shall remain in full force and effect.

3. That the County of Tazewell, State of Illinois, shall be referred to herein as Tazewell County and the remaining parties to this agreement shall collectively be referred to herein as the Remaining Parties and shall be referred to individually as a Remaining Party.

4. That each of the Remaining Parties does prevail upon and does hereby grant permission to Tazewell County to serve as Lead Agency and to undertake or have undertaken such actions and perform or have performed such services as Tazewell County deems appropriate to administer and design the Project and does hereby authorize the County of Tazewell to act on their behalf with regard thereto.

5. That such Project related actions and services may include but shall not be limited to entering agreements, such as for funding, and entering contracts for consulting engineering services for preliminary engineering, entering contracts for construction, and entering contracts for consulting engineering services for construction engineering.

6. That Tazewell County shall provide or cause to be provided to each of the Remaining Parties a copy of each agreement and each contract for such actions and services.

7. That each of the Remaining Parties does hereby agree to be bound by the terms and conditions of each agreement and each contract entered into by Tazewell County with regard to the Project in the same manner and to the same extent as though a signatory party to such agreements and such contracts and does hereby agree to promptly pay their share of all costs incurred as a result of such agreements and contracts.

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

8. That Tazewell County shall provide or cause to be provided to each of the Remaining Parties the final plans and specifications, any necessary plats and land acquisition documents, the final Engineer's Estimate of Cost, the Tabulation of Bids, the Notice of Award, the Engineer's Final Payment Estimate, and as-built drawings.

9. That each party to this agreement shall be responsible for and shall bear any and all remaining costs, after federal and state funding is applied, in pro-rata share to the guardrail improvement cost of the Project guardrail under their jurisdiction divided by the total improvement cost of the Project guardrail.

10. That Tazewell County will submit or cause to be submitted periodic and final invoices to each party to this agreement for said costs detailing the breakdown of such pro-rata share of costs for all parties to this Agreement for each action and service, including but not limited to preliminary engineering, construction, and construction engineering, and that Tazewell County may submit or cause to be submitted a final invoice for the entire project at the completion of the project.

11. That periodic invoices are approximate only and subject to correction in the final invoice.

12. That each party to this agreement hereby agrees to remit payment for each such invoice per the directions provided by Tazewell County within 60 days in accordance with their financial policy subject to Illinois' Local Government Prompt Payment Act.

13. That the pro-rata share of guardrail improvement cost shall be based upon:

A. the inventory and costs used for said HSIP application as included herein for periodic invoices for preliminary engineering and related costs; and,

B. the final Engineer's Estimate of Cost of the Project for the final invoice for preliminary engineering and related

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

costs and any other Project costs incurred through the design phase of the Project; and,

C. the awarded contract cost for periodic invoices for construction and for construction engineering and related costs and any other Project costs incurred through the construction and construction engineering phase of the Project; and,

D. the Engineer's Final Payment Estimate for the final invoices for construction and for construction engineering and related costs and any other Project costs incurred through the construction and construction engineering phase and through completion of the Project;

Intergovernmental Cooperation Agreement
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Jurisdiction	Guardrail		Construction	Preliminary Engineering	Construction Engineering	Funding		Total Cost	Pro-Share
	Count	Linear				HSIP	Local		
Vil of Bartonville	14	791	\$ 46,285.20	\$ 6,942.78	\$ 6,942.78	\$ 54,153.68	\$ 6,017.08	\$ 60,170.76	1.81%
Deer Creek RD	8	588	\$ 34,372.85	\$ 5,155.93	\$ 5,155.93	\$ 40,216.23	\$ 4,468.47	\$ 44,684.70	1.34%
Greene RD	3	333	\$ 19,464.47	\$ 2,919.67	\$ 2,919.67	\$ 22,773.43	\$ 2,530.38	\$ 25,303.81	0.76%
Groveland RD	50	8,019	\$ 469,127.88	\$ 70,369.18	\$ 70,369.18	\$ 548,879.62	\$ 60,986.62	\$ 609,866.24	18.30%
Hallock RD	31	3,398	\$ 198,783.00	\$ 29,817.45	\$ 29,817.45	\$ 232,576.11	\$ 25,841.79	\$ 258,417.90	7.75%
Limestone RD	36	8,985	\$ 525,611.09	\$ 78,841.66	\$ 78,841.66	\$ 614,964.98	\$ 68,329.44	\$ 683,294.42	20.50%
Vil of Morton	34	2,415	\$ 141,289.79	\$ 21,193.47	\$ 21,193.47	\$ 165,309.05	\$ 18,367.67	\$ 183,676.72	5.51%
Morton RD	1	1,408	\$ 82,356.34	\$ 12,353.45	\$ 12,353.45	\$ 96,356.92	\$ 10,706.32	\$ 107,063.24	3.21%
City of Pekin	7	869	\$ 50,862.24	\$ 7,629.34	\$ 7,629.34	\$ 59,508.82	\$ 6,612.09	\$ 66,120.91	1.98%
City of Peoria	9	1,899	\$ 111,098.87	\$ 16,664.83	\$ 16,664.83	\$ 129,985.68	\$ 14,442.85	\$ 144,428.53	4.33%
Tazewell Co	34	11,591	\$ 678,091.64	\$101,713.75	\$101,713.75	\$ 793,367.21	\$ 88,151.91	\$ 881,519.13	26.45%
Tremont RD	18	3,083	\$ 180,369.54	\$ 27,055.43	\$ 27,055.43	\$ 211,032.36	\$ 23,448.04	\$ 234,480.40	7.03%
Washington RD	5	449	\$ 26,262.41	\$ 3,939.36	\$ 3,939.36	\$ 30,727.01	\$ 3,414.11	\$ 34,141.13	1.02%
Totals	250	43,829	\$ 2,563,975.30	\$ 384,596.30	\$ 384,596.30	\$ 2,999,851.10	\$ 333,316.79	\$ 3,333,167.89	100.00%

RD = Road District

Vil = Village

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

14. That the Remaining Parties to this agreement do hereby indemnify and hold Tazewell County, its officers, employees, and agents harmless from all claims for injuries and damages to persons or property within their jurisdiction (including that of the respective Remaining Parties) sustained by reason of Tazewell County serving as the Lead Agency for the Project.

15. That each party to this agreement shall indemnify and hold harmless all other parties to this agreement, their officers, employees and agents, from all claims for injuries and damages to persons or property, including their own, sustained within their jurisdiction.

16. That all remaining costs and all remaining liability for claims of any name or nature shall be borne by each party to this agreement in proportion to their pro-rata share of guardrail improvement cost.

17. That each party to this agreement agrees to abide by all such terms as required by FHWA or IDOT to remain eligible for state or federal funds.

18. That each party to this agreement shall acquire in its name all right-of-way necessary for improvements within public roads under their jurisdiction in accordance with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and established State policies and procedures and shall cooperate with Tazewell County, the State of Illinois and the Federal Highway Administration in the disposition of encroachments, if any.

19. That each party to this agreement shall provide for all utility adjustments and shall regulate the use of the right-of-way of this improvement by utilities, public and private, in accordance with the current Utility Accommodation Policy for Local Public Agency Highway and Street Systems within public roads under their jurisdiction.

20. That each party to this agreement shall retain jurisdiction of the completed improvements within the public roads under their jurisdiction before, during and after the completion of the work of the Project.

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

21. That each party to this agreement shall maintain the completed improvements within the public roads under their jurisdiction in a manner satisfactory to the State of Illinois and the Federal Highway Administration.

22. That each party to this agreement shall provide, if required, for the improvement of any railroad-highway grade crossing and rail crossing protection within the limits of the proposed improvements upon public roads under their jurisdiction.

23. That each party to this agreement shall comply with Federal requirements or possibly lose (partial or total) Federal participation as determined by the Federal Highway Administration.

24. That each party to this agreement certifies to the best of its knowledge and belief that it's officials:

A. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;

B. have not within a three-year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements receiving stolen property;

C. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, Local) with commission of any of the offenses enumerated in item (b) of this certification; and

D. have not within a three-year period preceding the agreement had one or more public transactions (Federal, State, Local) terminated for cause or default.

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

25. That execution of this agreement constitutes the concurrence of each party to this agreement in the award of the construction contract to the responsible low bidder as determined by the State of Illinois.

26. That execution of this agreement by each party to this agreement constitutes their certification that:

A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of congress, or any employee of a member of congress in connection with the awarding of any federal contract, the making of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of congress or an employee of a member of congress in connection with this federal contract, grant, loan, or cooperative agreement, such party to this agreement shall complete and submit standard form - LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

C. The language of this certification shall be included in the award documents for all subawards (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements), and that all subrecipients shall certify and disclose accordingly.

27. That each party to this agreement shall regulate parking and traffic upon the public roads of the Project under their jurisdiction in accordance with the approved project report.

28. That each party to this agreement shall regulate encroachments on public rights-of-way

Intergovernmental Cooperation Agreement for the Tri-County Multi-Jurisdictional Guardrail Improvement Project

under their jurisdiction in accordance with current Illinois Compiled Statutes.

29. That each party to this agreement shall regulate the discharge of sanitary sewage into any storm water drainage system constructed with this improvement within public roads under their jurisdiction in accordance with the current Illinois Compiled Statutes.

30. (Single Audit Requirements) That each party to this agreement acknowledges that if an LPA (Local Public Agency) expends \$750,000 or more a year in federal financial assistance they shall have an audit made in accordance with 2 CFR 200; that an LPA expending less than \$750,000 a year shall be exempt from compliance; that a copy of the audit report must be submitted to the State of Illinois, Office of Internal Audit, Room 201, 2300 South Dirksen Parkway, Springfield, Illinois, 62764, within 30 days after the completion of the audit, but no later than one year after the end of the LPA's fiscal year; and, that the CFDA number for all highway planning and construction activities is 20.205.

31. That this agreement shall be binding on each party to this agreement, their successors and assigns.

32. That this agreement shall remain in full force and effect until renegotiated by all parties to this agreement.

33. That this Agreement may only be terminated by negotiated agreement of all parties to this agreement.

34. That no party may withdraw from this Agreement without the negotiated agreement of all remaining parties to this agreement except that within 60 days of the date of submittal of the final Engineer's Estimate of Cost by Tazewell County to all parties to this agreement, a party may submit to Tazewell County and to TCRPC in writing that they do not wish to participate in the construction and construction engineering phase of the project, and so long as Tazewell County and TCRPC receive such written statement within said 60 day period, such party will not be included in the construction and construction engineering phase of the project and will bear no cost or liability for the construction and construction engineering phase of the

Intergovernmental Cooperation Agreement
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project.

35. That nothing herein shall create or shall be construed to create, in any manner, a contractual or legal obligation for any unit of local government to be held responsible for any costs or liability for highways, roads or streets of any other unit of local government or any infrastructure they contain, including guardrail.

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

John C. Ackerman Date
Tazewell County Clerk

David Zimmerman Date
Chairman
Tazewell County Board

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

Stefani Tarr
Clerk
City of Peoria

Date

Rita Ali
Mayor
City of Peoria

Date

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

Michelle Carr
Clerk
Village of Bartonville

Date

Leon Ricca
Mayor
Village of Bartonville

Date

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

Clerk
Hallock Road District

Date

James Troglio
Highway Commissioner
Hallock Road District

Date

Intergovernmental Cooperation Agreement
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ATTEST:

Clerk
Limestone Road District

Date

Randy Neal
Highway Commissioner
Limestone Road District

Date

Intergovernmental Cooperation Agreement
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Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

Sue McMillan
Clerk
City of Pekin

Date

Mark Luft
Mayor
City of Pekin

Date

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

Zo Evans
Clerk
Village of Morton

Date

Jeff Kaufman
Mayor
Village of Morton

Date

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

Clerk
Greene Road District

Date

John Koos
Highway Commissioner
Greene Road District

Date

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

Gary DeBolt	Date
Clerk	
Deer Creek Road District	

Corey Wiegand Highway Commissioner Deer Creek Road District	Date
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Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

Mary S. Sipka Clerk Groveland Road District	Date
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Kevin Bailey Highway Commissioner Groveland Road District	Date
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Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

Nancy Stephens Date
Clerk
Morton Road District

Darrell Moore Date
Highway Commissioner
Morton Road District

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

Gerald Madsen	Date
Clerk	
Tremont Road District	

Larry Bolliger
Highway Commissioner
Tremont Road District

Date _____

Intergovernmental Cooperation Agreement
for the
Tri-County Multi-Jurisdictional Guardrail Improvement Project

ATTEST:

Jewel A. Ward Date _____
Clerk
Washington Road District

Scott Weaver
Highway Commissioner
Washington Road District

Date _____



REQUEST FOR COUNCIL ACTION

Agenda Date:
To:
From:

January 23, 2023
Council Members
Bruce Marston, Interim City Manager/Finance Director

AGENDA ITEM: Resolution No. 531-22/23 Annual Support for Greater Peoria Economic Development Council

ACTION REQUESTED: Approve and Adopt the Resolution.

DESCRIPTION:

This request is for the City of Pekin's continued collaboration with the Greater Peoria Economic Development Council (GPEDC) to build economic growth through targeted business assistance and attraction, workforce development and regional marketing. The City of Pekin has collaborated with the Greater Peoria EDC for 10+ years and continues to collaborate on sharing data, regional marketing, and project and business assistance.

Pekin benefits from business attraction efforts with leads generated from site selectors, conferences and trade shows/summit's focused on manufacturing and healthcare industries. The GPEDC also streamlines responses for site search requests adding regional data and resources available to development projects when a Pekin site is submitted.

Staff recommends support for the GPEDC to continue a regional approach to economic development.

FINANCIAL IMPACT:

Requested Amount: \$20,000
Line Item: 208-208-551600
Budgeted Amount: \$20,000.00
Remaining Funds: \$20,000.00

IMPACT IF APPROVED: City supports regional economic development efforts

IMPACT IF DENIED: City does not support regional economic development efforts

ALTERNATIVES: N/A

RELATED TO THE 2019-2021 CITY COUNCIL GOALS:

5 Year CIP. The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

Enhance Code Enforcement Services. The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.

Business Friendly Community. The Council strives to bring new businesses to Pekin while helping to maintain and expand all existing businesses. It is therefore essential to work cooperatively to make Pekin a "Business-Friendly" Community.

Efficient and Effective Municipal Operations. A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness.

Employee Residency. It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Bruce Q Marston

Bruce Q Marston, Interim City Manager/Finance Director

1/19/2023

Date:

City Manager:

Date:

Resolution No. 531-22/23 Annual Support for Greater Peoria Economic Development Council

WHEREAS, the City of Pekin has collaborated with the Greater Peoria Economic Development Council (“GPEDC”) for more than 10 years to build economic growth through targeted business assistance and attraction, workforce development, and regional marketing; and

WHEREAS, the City Council finds it is in the best interest of the City to renew its annual sponsorship of the GPEDC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS:

Section 1. The above recitals are found to be true and correct and are incorporated herein.

Section 2. The City of Pekin for its FY23 shall support the Greater Peoria Economic Development Council with a monetary contribution of \$20,000 for the 2022 membership year.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20_____.

MAYOR

ATTEST:

CITY CLERK



401 NE Jefferson Ave.
Peoria IL 61603
Tel. (309) 495-5910

Invoice

Date	Invoice #
9/1/2022	GPEDC 2022

Bill To

City of Pekin
Mayor Luft
111 S. Capitol Street
Pekin, IL 61554

Due Date

10/31/2022

Description		Amount
2022 Investment		20,000.00

Attachment: GPEDC 2022 Invoice (3358 : Resolution No. 531-22/23 Annual Support for Greater Peoria Economic Development Council)



REQUEST FOR COUNCIL ACTION

Agenda Date: January 23, 2023
To: Council Members
From: Bruce Marston, Interim City Manager/Finance Director

AGENDA ITEM: Resolution No. 532-22/23 Rescind Policy No. 22-19/20 and Replacing with No. 25-22/23 Items on Agenda

ACTION REQUESTED: Approve and Adopt the Resolution.

DESCRIPTION:

This action is to amend City of Pekin Policy No. 22-19/20 establishing procedures for setting the agenda for meetings of the City Council. The amended policy would provide for the City Manager to determine which items are brought forth for council consideration and allow for the Mayor or two Councilmembers to place items for Council consideration on the agenda with ten calendar days notice.

FINANCIAL IMPACT:

Requested Amount:

Line Item:

Budgeted Amount:

Remaining Funds:

IMPACT IF APPROVED:

IMPACT IF DENIED:

ALTERNATIVES:

RELATED TO THE 2019-2021 CITY COUNCIL GOALS:

5 Year CIP. The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

Enhance Code Enforcement Services. The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.

Business Friendly Community. The Council strives to bring new businesses to Pekin while helping to maintain and expand all existing businesses. It is therefore essential to work cooperatively to make Pekin a "Business-Friendly" Community.

Efficient and Effective Municipal Operations. A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness.

Employee Residency. It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Bruce Q Marston

Bruce Q Marston, Interim City Manager/Finance Director

1/19/2023

Date:

City Manager:

Date:

Resolution No. 532-22/23 Rescinding Policy No. 22-19/20 in its Entirety and Replacing with Policy No. 25-22/23 Procedure for Placing Items on the Agenda for Meetings of the City Council

WHEREAS, on August 12, 2019, the City Council adopted Policy No. 22-19/20, a Policy for Placing Items on the Agenda for Meetings of the City Council; and

WHEREAS, the City Council desires to rescind Policy No. 22-19/20 and adopt new procedures for placing items on the agenda for Council meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS:

Section 1. The above recitals are found to be true and correct and are incorporated herein.

Section 2. Policy 22-19/20 is rescinded in its entirety and replaced with Policy No. ____-22/23, a copy of which is attached hereto as Exhibit A.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK



CITY OF PEKIN POLICY NO. ~~22-19/20~~ -22/23

POLICY FOR PLACING ITEMS ON THE AGENDA FOR MEETINGS OF THE CITY COUNCIL

PURPOSE OF POLICY

The purpose of this policy is to ~~create a process for council members to request that items be placed on a meeting agenda for Council action or discussion~~ establish procedures for setting the agenda for meetings of the City Council.

POLICY

The City Manager shall be responsible for preparing the meeting agenda. The City Manager shall determine which items brought forth by staff shall be placed on the agenda.

In addition, items shall be placed on the meeting agenda when requested by (1) the Mayor, or (2) any two Councilmembers. If the Mayor or Councilmembers would like an item placed on a meeting agenda for Council action or discussion, they shall submit their request by email to the City Manager and the City Clerk. Council members who would like an item placed on a meeting agenda for Council action or discussion shall submit a request by email to the Mayor, the City Manager, and the City Clerk. The email should contain, a short description of the item, and the purpose for bringing it before the Council, and the date of the meeting in which the item will be considered or discussed. All items placed on the agenda by Councilmembers will be for discussion purposes only. Discussion of the item at a Council meeting will determine what future action, if any, is requested by consensus of the City Council.

Requests by the Mayor or Councilmembers to place an item on the agenda for Council action must be submitted to the City Manager and City Clerk no later than ten days prior to the meeting. By way of example, an item submitted for action on a meeting held on Monday, January 23rd must be submitted no later than Friday, January 13th. Exceptions may be made for special meetings called with less than 10 days' notice.

The City Manager shall direct ~~Councilmember~~ requests from the Mayor or Councilmembers to the appropriate staff member or department to make any reports, issue any RFPs or bid solicitations, and gather any information or data as may be necessary for the Council to address the Councilmember's request.

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~~The Mayor, as the chairperson of meetings of the City Council, has final say on the content of the agenda, and has discretion to delay consideration of any item requested by a councilmember to a future meeting depending on the amount of information and preliminary action required to make the item ready for Council action or discussion. However, the Mayor shall make all efforts to place any item requested by a Councilmember on a meeting agenda as expediently as is reasonably practicable.~~

Once ~~a meeting date has been determined by the Mayor~~ the meeting agenda has been set, the City Manager shall provide a brief description of each agenda item ~~the issue~~, along with any reports, RFPs, data, draft ordinances or resolutions, or other information related to the request to the City Clerk for inclusion in the agenda and meeting packet.

Adopted this ____ day of _____ 2023~~19~~.



CITY OF PEKIN POLICY NO. 25-22/23

POLICY FOR PLACING ITEMS ON THE AGENDA FOR MEETINGS OF THE CITY COUNCIL

PURPOSE OF POLICY

The purpose of this policy is to establish procedures for setting the agenda for meetings of the City Council.

POLICY

The City Manager shall be responsible for preparing the meeting agenda. The City Manager shall determine which items brought forth by staff shall be placed on the agenda.

In addition, items shall be placed on the meeting agenda when requested by (1) the Mayor, or (2) any two Councilmembers. If the Mayor or Councilmembers would like an item placed on a meeting agenda for Council action or discussion, they shall submit their request by email to the City Manager and the City Clerk. The email should contain, a short description of the item, the purpose for bringing it before the Council, and the date of the meeting in which the item will be considered or discussed.

Requests by the Mayor or Councilmembers to place an item on the agenda for Council action must be submitted to the City Manager and City Clerk no later than ten days prior to the meeting. By way of example, an item submitted for action on a meeting held on Monday, January 23rd must be submitted no later than Friday, January 13th. Exceptions may be made for special meetings called with less than 10 days' notice.

The City Manager shall direct requests from the Mayor or Councilmembers to the appropriate staff member or department to make any reports, issue any RFPs or bid solicitations, and gather any information or data as may be necessary for the Council to address the Councilmember's request.

Once the meeting agenda has been set, the City Manager shall provide a brief description of each agenda item, along with any reports, RFPs, data, draft ordinances or resolutions, or other information related to the request to the City Clerk for inclusion in the agenda and meeting packet.

Adopted this ____ day of _____ 2023.

**REQUEST FOR COUNCIL ACTION**

Agenda Date: January 23, 2023
To: Council Members
From: Bruce Marston, Interim City Manager/Finance Director

AGENDA ITEM: Discussion Procurement Policy

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):
Date:

City Manager:
Date:

CITY of PEKIN

PROCUREMENT POLICY

January 28, 2019
Ord No. 2813 &
Policy No. 21-18/19 -
Procurement

Amended
July 26, 2021
Resolution No. 295-21/22

Attachment: PROCUREMENT POLICY AMENDED JULY 26, 2021 (3353 : Discussion Procurement Policy)

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PURPOSE

The **City of Pekin**, acting as a trustee of public funds, has an obligation to grant opportunities for all interested parties who provide goods and services. The City also has a responsibility to secure goods and services of the highest quality at the best price.

The purpose of this Purchasing Policy is to obtain the highest quality goods and services for the City of Pekin at the lowest possible price, to exercise financial control over the purchasing process, to clearly define authority for the purchasing function, to allow fair and equal opportunity among qualified suppliers, and to provide for increased public confidence in the procedures followed in public purchasing.

This policy applies to the purchase of goods, supplies, services and the contracting for public improvement projects for all City Departments despite purpose, funding source, or dollar amount.

As a home-rule community, the City of Pekin has the local ability and powers to establish its own purchasing policies by ordinance. The State of Illinois also has adopted competitive bidding-statutes for municipalities. Where possible, the City shall strive for consistency with such statutes.

AFFIRMATIVE ACTION AND LOCAL PREFERENCE

Whenever possible, qualified small, minority and women-owned businesses shall be included in the solicitation lists for bids or non-bid purchases. If the purchase is federally funded in whole or in part, minority and women owned businesses must be included in the solicitation lists and all other affirmative action requirements outlined in any grant provisions must be followed. The City of Pekin may exercise a preference for local businesses for purchases funded exclusively by the City of Pekin but only if such a preference is not greater than 5% more than the lowest responsible bid or proposal or does not result in unreasonable prices or rates due to a lack of competition. For purchases funded in whole or in part with federal funding, the City of Pekin may not exercise a preference for local businesses.

CODE OF CONDUCT

Employees, officers and agents of the City of Pekin who are involved in the procurement and selection of bids and purchases shall make reasonable efforts to avoid real, apparent, or potential conflicts of interest. No employee, officer or agent of the City of Pekin shall participate in selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- the employee, officer or agent,
- any member of his or her immediate family,
- his or her partner, or
- an organization which employs, or is about to employ, any of the above has a financial or personal interest in the firm/vendor selected for award.

An employee, officer or agent of the City of Pekin who is involved in the procurement and selection of a bid or purchase and who has a real or apparent conflict of interest must disclose that conflict of interest within the context of a duly-noticed City Council meeting that occurs before the bid selection or purchase takes place. Such disclosure must be documented in the minutes for that meeting which shall be retained as part of the official record surrounding the bid or purchase.

Officers, employees and agents who fail to follow the above Code of Conduct may be sanctioned or disciplined, to the extent permitted by law, for violations of the above standards.

Contract Interference. Employees, officers and agents of the City of Pekin who are involved in the procurement and selection of bids and purchases shall follow 720 ILCS 5/33E-1 (summarized in Attachment A to this policy) that prohibits certain acts that have the effect of interfering with public contracts.

Conflict of Interest. Employees, officers and agents of the City of Pekin who are involved in the procurement and selection of bids and purchases shall follow the following state statutes (summarized in Attachment B to this policy) that prohibit public officials and officers engaging in conduct that divides their loyalty between their personal interests and their public duties:

- Municipal Code—Conflict of Interest Statute (65 ILCS 5/3.1-55-10)
- Public Officer Prohibited Activities Act (50 ILCS 105/0.01 et seq.)
- Criminal Code—Official Misconduct Statute (720 ILCS 5/33-3)

DOCUMENTATION

Records documenting the procurement process for any Minor or Major purchases, as those terms are defined below, including the reason for the specific procurement method chosen, the basis for the award and contract pricing (showing evidence that the process was fair and equitable), as well as any other significant decisions that were part of the procurement process shall be maintained by the City of Pekin in accordance with its retention and disposition schedules. For grant funded projects, records shall be maintained for a period of at least three years from the date of the submission to the Federal government of the final expenditure report, or until the completion of any litigation, claim, negotiation, audit, or other action involving the records, whichever is longer.

PURCHASING AUTHORITY

In accordance with 65 ILCS 5/8-1-7(a), no expense shall be incurred by any of the officers or departments of the City of Pekin, whether the object of the expenditure has been ordered by the corporate authorities or not, unless an appropriation (i.e. via an annual budget) has been previously made concerning that contract or expense. Any contract made, or any expense otherwise incurred, in violation of this provision shall be null and void as to the city, and no money belonging thereto shall be paid on account thereof, except for expenses incurred that are directly related to a collective bargaining agreement (65 ILCS 5/8-1-7(d)).

Purchasing Agents. The following employees are designated to act as Purchasing Agents for the City of Pekin:

- City Manager or his/her administrative designee
- Department Head or his/her administrative designee

Purchasing Agents are responsible for ensuring that the best possible price and quality are obtained with each purchase and shall review all proposed procurements to avoid unnecessary or duplicative purchases of equipment, supplies and services. Purchasing Agents shall also ensure that the principals for free and open competition set forth in this Policy are adhered to.

PURCHASING THRESHOLDS

Incidental Purchases. Purchasing Agents may make purchases of up to \$5,000 without prior approval, provided those purchases are within the budget authorized by the City Council. Incidental Purchases fall under the “Micro Purchases” procurement method. If recurring purchases from the same vendor within one fiscal year would exceed \$10,000, then prior approval of the City Manager and an appropriate procurement method are required.

Minor Purchases. Purchasing Agents may make purchases with a value between \$5,000 and \$10,000 only with prior approval of their Department Head and provided that such purchases are within the budget authorized by the City Council. Minor Purchases fall under the “Small Purchase” procurement method. If recurring purchases from the same vendor within one fiscal year would exceed \$10,000, then prior approval of the City Manager and an appropriate procurement method are required.

Major Purchases. All purchases over \$10,000 require prior approval of the City Manager. Purchases of \$15,000 or more shall require prior approval of the City Council. The City Manager shall review all proposed major purchases to avoid unnecessary or duplicative purchases of equipment, supplies and services. The City Manager shall also ensure that the principals of free and open competition set forth in this Policy are adhered to.

The expenditure authority set forth herein includes the authority to enter into any contracts or agreements necessary to complete the approved purchase.

The expenditure authority of the City manager includes the authority to approve the purchase of right-of-way or easements necessary for the completion of capital improvement projects, and to enter into such agreements as are necessary to complete the acquisition of such right-of-way or easements; provided that the City Manager may delegate this authority to the appropriate department head where the purchase falls within such department head’s expenditure authority as set forth herein.

If federal funding is used for purchases between \$3,000 (\$2,000 in the case of construction projects subject to Davis Bacon Act requirements) and \$150,000, price or rate quotes must be obtained from two or more qualified sources following the affirmative action provision of this policy and all provisions regarding fair and unrestricted competition.

For all major purchases with a value between \$10,000 and \$25,000, price and rate quotations shall

be obtained from at least two qualified vendors to ensure that the City has received a fair and reasonable price. Vendors will be selected based on cost, the quality of the goods and services offered, and the ability, capacity, and skill of the vendor demonstrated under prior contracts with the City of Pekin.

Major purchases with a value over \$25,000 must follow the competitive proposal procurement or a sealed bid process. Purchases of \$150,000 or more must follow the sealed bid process outlined below.

Purchases at or exceeding \$150,000 or construction projects of any value that are funded with federal dollars must follow a sealed bid process as outlined below and also follow any procurement guidance as outlined in the applicable grant agreement. In addition, a pricing analysis must be completed by the purchasing agent or a qualified consultant prior to issuing the request for proposal to ensure that there is a reasonable estimate against which to compare bid proposal pricing.

SEALED BID PROCESS:

The sealed bid process shall be initiated by the issuance of a Request for Bids prepared by the Purchasing Agent. Notice of the Request for Bids shall be made by letters to known providers soliciting bid responses, advertisements posted on the City's website, and advertisements placed in a newspaper of general circulation in the region.

Bid Specifications. A list of bid specifications shall be prepared for each purchase over \$25,000 and shall be available for inspection at City Hall. Bid specifications shall include:

1. Bid name.
2. Bid submission deadline.
3. Date, location, and time of bid opening.
4. Specifications for the project or services including quantity, design, and performance features.
5. Bond and/or insurance requirements.
6. Bid deposit requirements, if any.
7. A copy of the proposed contract.
8. Any special requirements unique to the project or purchase.
9. Delivery or completion date.
10. For construction projects, language that sets a requirement for a bid guarantee in the amount of 5% of the bid price from all bidders, as well as performance and payment bonds in the amount of 100% of the contract price from the contractor awarded the bid. If federally grant funded, the bidders must also include costs for Davis Bacon Act compliance if that is a requirement of the federal agency providing the funding.
11. For construction projects over \$2,000 funded with federal grants, a statement that contractors will be provided with a copy of the most current wage determination (from the DOL website at <http://www.wdol.gov/dba.aspx>) and must comply with the Davis Bacon Act.
12. Language that reserves for the City of Pekin the right, at its sole discretion, to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein, to accept

any bid even though it may not be the lowest bid, to call for rebids, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the City's interest. The City of Pekin reserves the right to investigate the financial condition of any bidder to determine his or her ability to assure service throughout the term of the contract.

Once a Request for Bids has been issued, the bid specifications will be available for inspection at the City's offices at 111 S. Capitol Street, Pekin, IL 61554.

Bid Submission. All bids must be submitted in sealed envelopes, addressed to the City of Pekin and plainly marked with the name of the bid and the time of the bid opening. Bid proposals will be date stamped on the outside of the envelope immediately upon receipt. Any bid may be withdrawn in writing prior to the scheduled time for the opening of bids. Any bids received after the time and date specified shall not be considered and shall be returned to the bidder unopened.

Bidders shall bid to specifications and any exceptions must be noted by the bidder. A bidder submitting a bid thereby certifies that the bid is made in good faith without fraud, collusion, or connection of any kind with any other bidder for the same work, and that the bidder is competing solely on his/her behalf without connection with or obligation to any undisclosed person or firm.

Bid Opening. Every bid received prior to the bid submission deadline will be publicly opened and read aloud by the Purchasing Agent. The bid opening will include the name and address of the bidder; for lump sum contracts, the lump sum base bid and the bid for each alternate; for unit price contracts, the unit price for each item and the total, if stated; and the nature and the amount of security furnished with the bid if required.

Criteria For Bid Selection. In evaluating bids, the Purchasing Agent will consider the following criteria:

1. Price.
2. Bidder's ability to perform within the specified time limits.
3. Bidder's experience and reputation, including past performance for the City.
4. Quality of the materials and services specified in the bid.
5. Bidder's ability to meet other terms and conditions, including insurance and bond requirements.
6. Bidder's financial responsibility.
7. Bidder's availability to provide future service, maintenance, and support.
8. Nature and size of bidder.
9. Contract provisions that are acceptable to the City of Pekin.
10. For construction projects over \$2,000 and subject to the Davis Bacon Act compliance, contractor's indication of acceptance of wages in the current wage determination provided as part of the Request for Bids.
11. Any other factors that the City determines are relevant and appropriate in connection with a given project or service.

In addition to the above, in the case of a contract supported by federal funds, the additional criteria shall apply:

1. There shall be no preference exercised for local contractors or suppliers.
2. Minority and women-owned businesses must be included in the solicitation list for the request for proposal.

3. The City of Pekin will not select a bidder who is listed on the Excluded Parties List System website (<https://www.sam.gov>).

Change Orders. If specification changes are made prior to the close of the bid process, the Request for Bids will be amended and notice shall be sent to any bidder who already submitted a bid and a new bid process will be initiated. Once a bid has been accepted, if changes to the specifications become necessary, the City will prepare a change order specifying the scope of the change. Once approved, the contractor and an authorized agent of the City must sign the change order.

Exceptions. The following exceptions to the sealed bid process may apply, however there must be written documentation created and maintained that outlines the process and rationale for such exceptions:

Competitive Proposals. If time does not permit the use of sealed bids, or the award will be made on the basis of non-price related factors, a competitive proposal process shall be initiated by the issuance of a Request for Bids (RFB) or Request for Qualifications (RFQ) prepared by the Purchasing Agent that includes the factors that will be used to evaluate and compare the proposals. Bids or qualifications shall be obtained from an adequate number of qualified sources (at least two vendors) to ensure that the City has received a fair and reasonable price and all notification and record keeping requirements of the sealed bid process shall be followed. If architectural or engineering services are being solicited, this process should be used with the most qualified firm or individual awarded the bid and price or fees negotiated after the award. If competitive proposals are used, all of the above steps in the sealed bid process should be followed except that: 1) the bid submission need not be sealed; and 2) price will not be the primary factor in the proposal selection.

Sole Source Purchases. If the Purchasing Agent determines that there is only one possible source for a proposed purchase, it may waive the bid process and authorize the purchase from the sole source.

Recurring Purchases. If the total value of a recurring purchase of a good or service is anticipated to exceed \$25,000 during any fiscal year, the bid process shall be utilized and shall specify the recurring nature of the purchase. Once a bid has been accepted, all future purchases shall be made from that bidder without necessity of additional bids, until such time as the City desires to initiate a new bid process.

Emergency Purchases. The City may award contracts and make purchases for the purpose of meeting a public emergency without complying with the bid process. Emergency expenditures may include immediate repair or maintenance of city property, vehicles, or equipment if the delay in such repair or maintenance would endanger persons or property or result in substantial impairment of the delivery of important city services.

Professional Services. In accordance with the Local Government Professional Services Selection Act (50 ILCS 510), professional services such as architectural, engineering, or land-surveying services do not fall under the competitive bidding requirements. Those services, instead, must be selected based on qualifications and experience. The bid process shall also not apply to the selection of providers for services that are characterized by a high degree of professional judgment and discretion including legal, financial, auditing, risk management, information technology and insurance services with a value of up to \$25,000.

Public Improvements. Any public improvement exceeding \$25,000 may be contracted or let through the aforementioned policy guidelines or in accordance with 65 ILCS 5/8-9 through:

- (1) A contract let to the “lowest, responsive, and responsible bidder” after advertising for bids in a competitive proposals procurement or a sealed bid process. The lowest, responsive, responsible bidder shall be defined as a person or entity who a) has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance; b) is financially responsible and is able to discharge one’s obligations in accordance with what may be expected or demanded under the terms of the contract; and c) has complied with all of the requirements of and submitted all of the materials and information in the invitation for bids.
- (2) City employees performing work on the public improvement where all project materials of a value of \$25,000 and upward used in the construction of the work or other public improvement is competitively bid and let to the lowest responsible bidder.

Exceptions to Public Improvement Competitive Bidding (in accordance with 65 ILCS 5/8-9-1)

- (1) Funded by Special Assessment or Taxation. Public improvement projects that are paid in whole or in part by a special assessment or special taxation shall be exempt from competitive bidding.
- (2) Federal Contracts. Competitive bidding under this policy for public improvements shall not apply to any contract with the federal government or any agency of the federal government.
- (3) Super Majority Votes of City Council. Two-Thirds (2/3) of the city council may affirmatively vote to award a contract without competitive bidding. Additionally, the municipality may, by a vote of 2/3rds of the city council, opt to construct the public improvement itself using its own employees. In this instance, all material with a value of \$25,000 or more that is used in the construction of the project must be purchased through a contract let by competitive bidding.
- (4) When the City of Pekin anticipates utilizing State of Illinois funding for a public work improvement contract, the City shall follow the rules set out by the ruling State agency.

Public Works Contract Change Orders. Per the Public Works Contract Change Order Act (50 ILCS 525/5 et seq.), the City shall bid (rather than negotiate) change orders on public works or improvements contracts entered into by the city where the change order necessitates any increase:

- (1) in the contract price that is 50% or more of the original contract price; or
- (2) in the price of a subcontract under the contract that is 50% or more of the original subcontract price.

Any such change orders:

- (1) must be resubmitted for bidding in the same manner for which the original contract was bid;
- (2) are subject to any requirements to employ women and minorities on the public works project that existed at the bidding for the original contract, together with any later requirements imposed by law.

These requirements apply to any contract that was not procured in accordance with the Illinois Procurement Code and the State Finance Act. The Act preempts home rule powers.

Public Construction Bond Act (30 ILCS 550/0.01 *et seq.*). This Act requires that the City shall require a contractor of a public works project exceeding \$5,000 to post a bond to ensure the completion of the work and for the payment for all material and labor, whether by subcontractor or otherwise, except that for most contracts under \$100,000, the contractor may post a non-diminishing irrevocable bank letter of credit in lieu of the bond, so long as the letter of credit contains the same provisions required by the Act.

Prevailing Wage Act Compliance. The Illinois Prevailing Wage Act (820 ILCS 130/0/01 *et seq.*) shall apply to the wages paid by the City of Pekin for labor by workers, laborers and mechanics employed in the construction of a “public work,” which includes all fixed works constructed whole or in part with public funds; and for the maintenance, repair, assembly, and disassembly of equipment being used in the construction of public works, regardless of whether such equipment is owned, leased or rented by the City.

GENERAL PROCEDURES AND PRINCIPLES

These general procedures apply to all procurement regardless of type.

Federally funded non-competitive purchases for \$150,000 or more require a cost analysis to determine the reasonableness of the proposed pricing and should be completed in accordance with the requirements of the federal or state agency issuing the grant funding.

Competitive purchases covered by this policy will be authorized by a signed Contract, Agreement, Payment Authorization, or Client Services Authorization. Only the City Manager and the Mayor are authorized signatories for contracts and other agreements that bind the City.

As soon as feasible for the City to establish a purchasing order system and process, a Purchase Order will be prepared for all purchases except those relating to a contract or participant costs.

A Purchase Order will be completed by the appropriate staff and approved by the City Manager, Department Head or Purchasing Agent prior to placing the order. The Purchase Order must then be maintained by the department making the purchase, with one copy sent to the Finance Department.

Orders placed through the internet should have a confirming order sent or a copy printed off of the screen and must be maintained by the department making the purchase, with one copy sent to the Finance Department.

Upon receipt of goods, a packing slip or other proof of receipt should be signed and dated by the person accepting the goods. All documentation must be sent to the Finance Department.

Competition. All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The purchasing agent shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specification requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements.

Competition may not be restricted or eliminated by:

- Placing unreasonable requirements on firms in order for them to qualify to do business,
- Requiring unnecessary experience and excessive bonding,
- Noncompetitive pricing practices between firms or between affiliated companies,
- Non-competitive awards to consultants who are on retainer contracts,
- Organizational conflicts of interest,
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance of other relevant requirements of the procurement, and
- Any arbitrary action in the procurement process.
- Sub-grantees will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.

Joint & Cooperative Purchasing. Pursuant to the Governmental Joint Purchasing Act (30 ILCS 525/0.01 et seq.), the City of Pekin may procure personal property, supplies and services under any contract let by the State of Illinois pursuant to lawful procurement procedures. The City of Pekin may enter into a joint purchases agreement with another governmental unit, whereby one of the governmental units shall conduct the competitive selection process for services or goods. The City of Pekin may also authorize the procurement of personal property, supplies and services which have been procured through a competitive process by a federal agency; a consortium of governmental entities; or a group purchasing organization of which the City is a member or affiliate.

Procurement Procedures

- Purchasing Agents shall avoid purchasing unnecessary items.
- Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical and practical procurement.
- Solicitations for goods and services shall provide for all of the following:
 - i) A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features which unduly restrict competition.
 - ii) Requirements which the bidder must fulfill and all other factors to be used in evaluating bids or proposals.
 - ii) A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
 - iv) The specific features of 'brand name or equal' descriptions that bidders are required to meet when such items are included in the solicitation.
- To foster greater economy and efficiency, purchasing agents are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

Cost and Price Analysis. Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices or similar indicators, together with discounts.

Cost analysis is the review and evaluation of each element of cost to determine reasonableness.

A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation.

Procurement records. Purchasing Agents will maintain records sufficient to detail the significant history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, and contractor selection. Additionally, certifications of publication or tear sheets are needed as documentation for RFP's or Sealed Bid procurements.

Procurement records and files for purchases in excess of the small purchase threshold shall include the following at a minimum:

- (a) basis for contractor selection,
- (b) Justification for lack of competition when competitive bids or offers are not obtained, and
- (c) basis for award cost or price.

Insurance Reimbursements. Purchases for goods or services that are covered by and will be reimbursed by third-party insurance providers should follow the direction given by the third party insurance providers on the selection of vendors. When the third party insurance provider does not establish a vendor to use, then the City's procurement policy must be followed.

The above standards will apply to all procurements.

Requirements for Selection of Contractors. Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources.

TYPES OF PROCUREMENT

The following methods are available for the acquisition of goods and services:

1. Micro Purchases
2. Small Purchases
3. Sealed Bids (Formal Advertising)
4. Competitive Proposals
5. Noncompetitive Proposals

1. Micro Purchases. Micro Purchases are purchases with an aggregate dollar amount less than \$5,000. These purchases do not require price quotes. Vendor selection should be distributed equitably among qualified suppliers in an effort to promote competition.

2. Small Purchases. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$10,000. Competitive price or rate quotations shall be obtained from at least two qualified sources whenever possible. Staff shall anticipate total purchases in the aggregate with a single vendor during the same fiscal year. If a future purchase exceeds the dollar limitation, an alternate procurement method must be used.

3 Sealed Bids (Formal Advertising) – Outlined in “SEALED BID PROCESS” pg. 4

4. Competitive Proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;
- Proposals will be solicited from an adequate number of qualified sources;
- Purchasing Agents will have a method for conducting technical evaluations of the proposals received and for selecting awardees;
- Awards will be made to the responsible firm whose proposal is most advantageous to the City, with price and other factors considered.

For all procurements excluding contracts, the successful bid will be presented to the Department Head of the department making the procurement. If the Department Head rejects the bid, the City Manager will conduct a review/rating and cost/price analysis or may request the staff to re-rate the proposals. All proposals may be rejected. The award decision cannot be changed without re-rating the proposals using the published criteria.

The competitive proposal procedure is suited for procuring contracts. Upon the direction of the Department Head making the procurement, a Request for Proposal (RFP) packet will be prepared and will be publicized through the media and the providers/contractors list. On receipt of bids, appropriate staff will rate the proposals and conduct a cost/price analysis. The successful bid will be presented to the Department Head stating the reasons for the award.

5. Noncompetitive Proposals. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

- A) The item is available only from a single source.
- B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- C) If grant funds are utilized, the awarding agency authorizes noncompetitive proposals [or performs the procurement]; or
- D) After solicitation of a number of sources, competition is determined inadequate.

Sole source procurements are rare; a failure to plan for needs is not an emergency purchase.

ATTACHMENT A - Interference With Public Contracting

Overview. Article 33E of the Criminal Code of 2012 prohibits certain acts that have the effect of interfering with public contracts. 720 ILCS 5/33E-1 *et seq.* Article 33E was enacted to assure that the best price for the best quality of goods, services, and construction paid for by public monies is obtained.

A. Application.

Article 33E applies to ***all*** contracts for goods, services, or construction let to any person *with or without competitive bidding* by any unit of local government. 720 ILCS 5/33E-2.

B. General Prohibitions.

1. During Bidding and Award - All Contracts.

- Except as otherwise required by law, a public official or employee cannot convey, outside of the competitive bidding process, information concerning contract specifications, other than publicly disseminated clarifications, or the identity of certain subcontractors where including such information or subcontractors in a bid or offer would make it more likely that such bid or offer would be accepted. 720 ILCS 5/33E-6.
- A public official or employee cannot inform a bidder or someone offering a contract that the bid or offer will be accepted only if specified individuals are included as subcontractors. 720 ILCS 5/33E-6.
- A public official cannot award a contract based on criteria not publicly disseminated via any applicable solicitation for contracts procedure. 720 ILCS 5/33E-6.
- A public official or employee cannot share in or receive, directly or indirectly, any money, profit, property, or benefit through the contract with the unit of local government or school district, with the intent to defraud the unit of local government or school district. 720 ILCS 5/33E-17.
- No person shall knowingly string or assist in stringing or attempt to string any contract or job order with a unit of local government or school district (“stringing” means knowingly structuring a contract or job order to avoid competitive bidding requirements). 720 ILCS 5/33E-18.

2. During Bidding and Award - Competitively Bid Contracts.

- A public official or employee cannot open a sealed bid at a time other than the time designated or outside the presence of witnesses required by statute or ordinance. 720 ILCS 5/33E-5.
- A public official or employee cannot disclose to interested parties any information related to the terms of a sealed bid or any bidder’s responsiveness to a request for bids, except as provided by law or as necessary to the performance of duties relating to the bid, *unless* such disclosure is also made generally available to the public. 720 ILCS 5/33E-5.

3. During Contract Administration. A public official or employee cannot approve a change order or a series of change orders that *increase or decrease* the contract price by \$10,000 or

more, or the time of completion by 30 days or more, without first obtaining a *written determination* from the governing body of the unit of local government or its designee that:

- the circumstances said to necessitate the change were not reasonably foreseeable at the time the contract was signed; or
 - the change is germane to the original contract as signed; or
 - the change order is in the best interests of the unit of local government and authorized by law.
- 720 ILCS 5/33E-9.

C. Exemptions from General Prohibitions (720 ILCS 5/33E-12).

1. Disclosures of information related to the name of bidders, offerors, or contractors.
2. Disclosures of information related to acceptable alternatives or substitutes to plans or specifications if such information is also made generally available to the public.
3. Negotiations with the lowest responsible bidder to obtain a reduction in price.
4. Negotiations under the Local Government Professional Services Selection Act.

D. Penalties. A public official or employee who violates Article 33E is guilty of either:

- a Class 4 felony and is subject to not less than one year and not more than three years in prison *and* a fine of up to \$25,000.00 (720 ILCS 5/33E-5; 720 ILCS 5/33E-6; 720 ILCS 5/33E-9; 730 ILCS 5/5-8-1(a)(7); 730 ILCS 5/5-9-1(a)(1)); or
- a Class 3 felony and is subject to not less than two years and not more than five years in prison *and* a fine of up to \$25,000.00 (720 ILCS 5/33E-5; 720 ILCS 5/33E-6; 730 ILCS 5/5-8-1(a)(6); 730 ILCS 5/5-9-1(a)(1)).

ATTACHMENT B - Conflicts of Interest

Overview. The Illinois Legislature has codified sweeping prohibitions against public officials and officers engaging in conduct that divides their loyalty between their personal interests and their public duties.

A. Public Officer Prohibited Activities Act, 50 ILCS 105/0.01 *et seq.*

1. Application: all elected or appointed officials, except those serving on advisory panels or commissions. 50 ILCS 105/3(a).
2. General Prohibitions:
 - Interests in Contracts. A public official cannot have a direct or indirect interest in any contract or work where the official may be called upon to act or vote on the award of such contract or work. 50 ILCS 105/3(a).
 - Representation. A public official cannot represent any person, association, trust, or corporation on any application or bid for any contract or work where the official may be called upon to act or vote on the award of such contract or work. 50 ILCS 105/3(a).
 - Influences. A public official cannot directly or indirectly take money or any other thing of value as a gift, bribe, or means of influencing his or her vote or action. 50 ILCS 105/3(a).
3. Exemptions from General Prohibitions:
 - Small Contracts (more than \$1,500; \$25,000 annual aggregate limit). Members of the governing body of a public entity *may* provide materials, merchandise, property, services, or labor to the public entity if *all* of the following conditions are satisfied:
 - (a) the interested member owns *less than* a 7.5 % share in the person, firm, partnership, association, corporation, or cooperative doing business with the public entity; and
 - (b) the interested member *publicly discloses* the nature and extent of his or her interest prior to or during deliberations concerning the proposed award of the contract; and
 - (c) the interested member *abstains from voting* on the award of the contract, though he or she shall be considered present for purposes of establishing a quorum; and
 - (d) the contract is *approved by a majority vote* of those members presently holding office; and the contract is awarded pursuant to a *sealed bidding* procedure if the amount of the contract *exceeds* \$1,500; and
 - (e) the award of the contract would *not cause the aggregate amount* of all such contracts awarded to the same person, firm, association, partnership, corporation, or cooperative in the same fiscal year to *exceed* \$25,000. 50 ILCS 105/3(b)(1).

- Smaller Contracts (\$2,000 or less; \$4,000 annual aggregate limit). Members of the governing body of a public entity **may** provide materials, merchandise, property, services, or labor to the public entity if **all** of the following conditions are satisfied:
 - (a) the interested member *publicly discloses* the nature and extent of his or her interest prior to or during deliberations concerning the proposed award of the contract; and
 - (b) the interested member *abstains from voting* on the award of the contract, though he or she shall be considered present for purposes of establishing a quorum; and
 - (c) the contract is *approved by a majority vote* of the governing body of the public entity; and
 - (d) the amount of the contract does *not exceed* \$2,000; and
 - (e) the award of the contract would *not cause the aggregate amount* of all contracts awarded to the same person, firm, association, partnership, corporation, or cooperative in the same fiscal year to *exceed* \$4,000.
 50 ILCS 105/3(b)(2).
- Minor Interests (less than 1% share). Members of the governing body of a public entity **may** provide materials, merchandise, property, services, or labor to the public entity if **all** of the following conditions are satisfied:
 - (a) the interested member owns *less than* a 1% share in the person, firm, partnership, association, corporation, or cooperative doing business with the public entity; and
 - (b) the interested member *publicly discloses* the nature and extent of his or her interest prior to or during deliberations concerning the proposed award of the contract; and
 - (c) the interested member *abstains from voting* on the award of the contract, though he or she shall be considered present for purposes of establishing a quorum; and
 - (d) the contract is *approved by a majority vote* of the governing body of the public entity.
 50 ILCS 105/3(b-5).
- Public Utilities. Members of the governing body of a public entity **may** approve utility service contracts with a public utility of which the member is an officer, employee, or holder of an ownership interest of *7½% or less*. 50 ILCS 105/3(c).
- Public Companies (direct interests). Members of the governing body of a public entity **may** approve contracts with a public company (a company whose stock is traded on a nationally recognized securities market) of which the member is an employee or holder of an ownership interest of *1% or less in the member's own name* if **all** of the following conditions are satisfied:
 - (a) the interested member *publicly discloses* that he or she is an employee or holds an interest of 1% or less in the company *before deliberations* concerning the proposed award of the contract; and

- (b) the interested member *refrains from* evaluating, negotiating, recommending, approving, deliberating, or otherwise participating in the negotiation, approval, or award of the contract; and
- (c) the interested member *abstains from voting* on the award of the contract, though he or she shall be considered present for purposes of establishing a quorum; and
- (d) the contract is *approved by a majority vote* of those members presently holding office.
50 ILCS 105/3(e).

- Public Companies (indirect interests). Members of the governing body of a public entity *may* approve contracts with a public company (a company whose stock is traded on a nationally recognized securities market) of which the member holds an ownership interest of *1% or less* if the ownership interest is held not in the member's own name but *through a mutual fund*. 50 ILCS 105/3(e).

- Local Banks. Members of the governing body of a public entity *may* approve contracts with a local financial institution of which the member is a director, officer, employee, or holder of an ownership interest of *less than 7½%* if *all* of the following conditions are satisfied:

- (a) the interested member *publicly discloses* the nature and extent of the interest *during deliberations*; and
- (b) the interested member *does not participate in deliberations*; and
- (c) the interested member *does not vote* on the award of the contract; and
- (d) the contract is approved at a *regularly scheduled meeting* by a *majority vote* of those members presently holding office.
50 ILCS 105/3.2.

4. Penalties:

- A public official who violates the Public Official Prohibited Activities Act is guilty of a Class 4 felony and is subject to not less than one year and not more than three years in prison *and* a fine of up to \$25,000.00. 50 ILCS 105/4; 730 ILCS 5/5-8-1(a)(7); 730 ILCS 5/5-9-1(a)(1).
- A public official convicted under the Public Official Prohibited Activities Act forfeits his or her office or official position. 50 ILCS 105/4.
- A contract procured in violation of the Public Official Prohibited Activities Act is void. 50 ILCS 105/3(a).

B. Municipal Code—Conflict of Interest Statute, 65 ILCS 5/3.1-55-10.

1. Application: applies only to municipal officers. 65 ILCS 5/3.1-55-10(a).
2. General Prohibitions:
 - Interests in Contracts. A municipal officer cannot have a direct or indirect interest in:
 - (a) any contract, work, or business of the municipality; or
 - (b) the sale of any article,
 whenever the cost of such contract, work, business, or article is paid either from the treasury of the municipality or by assessment. 65 ILCS 5/3.1-55-10(a).
 - Purchase of Property. A municipal officer cannot have a direct or indirect interest in the purchase of any property that:
 - (a) belongs to the municipality;
 - (b) is sold for taxes or assessments; or
 - (c) is sold by virtue of legal process at the suit of the municipality.
 65 ILCS 5/3.1-55-10(a).
3. Exemptions from General Prohibitions:
 - The Municipal Conflict of Interest Statute does not prohibit any person serving on a municipal advisory panel or commission or non-governing board or commission from having an interest in a contract, work, or business of the municipality unless the municipal officer's duties include evaluating, recommending, approving, or voting to recommend or approve the contract, work, or business. 65 ILCS 5/3.1-55-10(a).
 - The Municipal Conflict of Interest Statute allows for exemptions identical to those set forth in the Public Officer Prohibited Activities Act. 65 ILCS 5/3.1-55-10(a); 65 ILCS 5/3.1-55-10(b)(1); 65 ILCS 5/3.1-55-10(b)(2); 65 ILCS 5/3.1-55-10(b-5); 65 ILCS 5/3.1-55-10(c); 65 ILCS 5/3.1-55-10(e).
4. Penalties:
 - A municipal officer who violates the Municipal Conflict of Interest Statute is guilty of a Class 4 felony and is subject to not less than one year and not more than three years in prison *and* a fine of up to \$25,000. 65 ILCS 5/3.1-55-10(d); 730 ILCS 5/5-8-1(a)(7); 730 ILCS 5/5-9-1(a)(1).
 - A municipal officer convicted under the Municipal Conflict of Interest Statute forfeits his or her office or official position. 65 ILCS 5/3.1-55-10(d).

C. Criminal Code—Official Misconduct Statute, 720 ILCS 5/33-3.

1. Application: applies to all public officers and employees. 720 ILCS 5/33-3.
2. General Prohibitions: A public officer or employee is guilty of misconduct where, in an official capacity, he or she:
 - intentionally or recklessly fails to perform a mandatory duty; or
 - knowingly performs an act that he or she is forbidden by law to perform; or

- performs an act in excess of his or her authority with the intent to obtain personal advantage for himself or herself or for another; or
 - solicits or knowingly accepts a fee or reward not authorized by law.
- 720 ILCS 5/33-3.

3. Solicitation Misconduct:

- An employee of a chief executive officer of a local government commits solicitation misconduct when he or she knowingly solicits or receives contributions from a person engaged in a business or activity over which that person has regulatory authority.

720 ILCS 5/33-3.2.

4. Penalties:

- A public officer or employee who violates the Official Misconduct Statute is guilty of a Class 3 felony and is subject to not less than 2 years and not more than 5 years in prison and a fine of up to \$25,000. 720 ILCS 5/33-3; 730 ILCS 5/5-8-1(a)(6); 730 ILCS 5/5-9-1(a)(1).
- Solicitation misconduct is a Class A misdemeanor. An employee of a chief executive officer of a local government convicted of committing solicitation misconduct forfeits his or her employment. 720 ILCS 5/33-3.2(d).
- A public officer or employee who violates the Official Misconduct Statute forfeits his or her office or employment. 720 ILCS 5/33-3.