City of Pekin

REGULAR CITY COUNCIL MEETING
MONDAY, JANUARY 14, 2019
5:30 PM

1. Pledge of Allegiance

2. Call to Order

3. Approve Agenda

3.1. Approve agenda

4. Approval of Minutes

4.1. Approval of Minutes

4.2. City Council - Regular Meeting - Dec 10, 2018 5:30 PM

5. Public Input

6. Consent Agenda

6.1. September 12, 2018 Minutes of the Pekin Zoning Board of Appeals

6.2. November 14, 2018 Minutes of the Pekin Plan Commission

6.3. Tazewell County Animal Control Billing - November 2018

ACTION REQUESTED: Receive and File Tazewell County Animal Control Billing – November 2018

6.4. TAZEWELL COUNTY ANIMAL CONTROL MONTHLY BILLING DECEMBER, 2018

ACTION REQUESTED: Receive and File Tazewell County Animal Control Billing – December, 2018

6.5. Resolution No. 132-18/19 Reappointment of David Volz to the Pekin Housing Authority

ACTION REQUESTED: Adopt Resolution No. 132-18/19.

6.6. Proclamation "Dr. Martin Luther King Jr. Day"

7. Communication

	7.1.	Educational presentation on pension obligation bonds
8.	**New Business**	
	8.1.	Resolution 131-18/19 for the Intergovernmental Agreement with Tazewell County for Digital Aerial Orthophotogaphy. **ACTION REQUESTED**: To approve the resolution to enter into the Intergovernmental Agreement with Tazewell County for the Digital Aerial Orthophotography with the City share of the cost being $28,838.00
	8.2.	Resolution 133-18/19 to include stormwater repairs to Deerfield Estates (Parkfield) and El Camino to Resolution 110-18/19 **ACTION REQUESTED**: To approve the resolution to include the repairs to Deerfield Estates (Parkfield) and El Camino to resolution 110-18/19 and to utilize the remaining balance of the $38,000 previously authorized.
	8.3.	Resolution 134-18/19 MFT Supplemental Resolution for Section 10-00179-00-TL **ACTION REQUESTED**: To approve the supplemental resolution 134-18/19 for Motor Fuel Tax (MFT) for Section 10-00179-00-TL in the amount of $7 dollars to closeout a signal/resurfacing project.
	8.4.	Resolution 135-18/19 Motor Fuel Tax (MFT) Resolution for Section 75-00000-16-ES **ACTION REQUESTED**: To approve the Resolution 135-18/19 Motor Fuel Tax (MFT) for Section 75-00000-16-ES in the amount of $11,561.92 to close project for City's share of 2016 PPUATS membership.
	8.5.	Resolution 136-18/19 Motor Fuel Tax (MFT) Resolution for Section 03-00170-00-TL **ACTION REQUESTED**: To approve Resolution 136-18/19 Motor Fuel Tax (MFT) for Section 03-00170-00-TL in the amount of $37,800 to close project for funds allocated to match amount previously expended.
	8.6.	Policy No. 21-18/19 City of Pekin Procurement Policy **DISCUSSION NO ACTION TO BE TAKEN**: Policy No. 21-18/19 - Establishing the City of Pekin Procurement Policy.
	8.7.	An Ordinance Amending Title 6, Chapter 3, Section 10, Subsection (h) (1) and Section 11, Subsection (l) (1) of the Animal Code of the City of Pekin 1995 Regarding Dangerous and Vicious Dogs/Cats **ACTION REQUESTED**: Adopt Ordinance No. 2810-18/19 amending City Code for annual registration of dangerous/vicious animals from April 1 to May 1.

8.8.	Ordinance No. 2809-18/19 An Ordinance Amending Title 3, Chapter 2, Sections 1-8 of the Code of the City of Pekin 1995 Regarding Municipal Taxation **ACTION REQUESTED**: Adopt Ordinance 2809-18/19 amending a portion of the finance section of the Code with a comprehensive update for language consistency and provisions.
9.	**Any Other Business To Come Before The Council**
10.	**Executive Session 5 ILCS 120/2 (c)**
11.	**Adjourn**

Column 2 Key:

1 A Prosperous Community. To promote and sustain a balanced economy that supports expansion and retention of family-wage jobs.

2 A Safe Community. To protect community life and property by providing effective, principled police and fire services.

3 A Strong Foundation. To improve and maintain existing infrastructure and leverage opportunities for new infrastructure.

4 A High Quality of Life. To support or provide services that improve the quality of life for Pekin's residents.

5 An Effective Government. To deliver effectively the services that Pekin's residents want, need, and are willing to support.

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PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF CITY HALL
111 S. CAPITOL ST
ON MONDAY DECEMBER 10, 2018 AT 5:30 O'CLOCK P.M.
JOHN MCCABE * CHAIR * PRESIDING

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor John McCabe.

Roll was called and the Clerk confirmed all members were physically present. A quorum was declared.

Attendee Name	Title	Status	Arrived
James A Schramm	Council Member	Present	5:33 PM
Michael Garrison	Councilman	Present	5:33 PM
Lloyd Orrick	Mayor Pro-Tem	Present	5:33 PM
John P Abel	Council Member	Present	5:33 PM
Michael Ritchason	Council Member	Present	5:34 PM
Mark Luft	Council Member	Present	5:33 PM
John McCabe	Mayor	Present	5:33 PM

APPROVE AGENDA

3.1. Motion to: **Approve agenda**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James A Schramm, Council Member
SECONDER:	Michael Ritchason, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

APPROVAL OF MINUTES

4.1. Motion to: **Approval of Minutes**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James A Schramm, Council Member
SECONDER:	Michael Ritchason, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

4.2. City Council - Special Meeting - Nov 19, 2018 5:00 PM

4.3. City Council - Special Meeting - Dec 3, 2018 5:00 PM

4.4. City Council - Regular Meeting - Nov 26, 2018 5:30 PM

PUBLIC INPUT

Rick Hilst addressed the Council on Business 7.4. He questioned the use of TIF funds for resurfacing the 400 block alley between Elizabeth and St. Mary Streets and voiced concern of the authority of the City Manager to enter into a contract or agreement with the County without presenting an expense of an estimated $14,000.00 to the Council for approval. He recommended getting a legal opinion on the matter.

Dave Nutter commented on the 2018 Tax Levy to be considered by the Council as item 7.3. He asked that January and February in preparing a budget that the pension costs and debt be tackled. He reported to the Council the knowledge he learned when researching pension liabilities. Mr. Nutter felt the Library was over budget and questioned if the Library answered to anyone or there were checks and balances.

Jim Mangan asked the Council delay the vote on Business item 7.4 utilizing TIF funds for the resurface of an alley as the City's share of the project until questions such as who made the deal, when it was paved and if the money would go to the County or directly to the contractor.

CONSENT AGENDA

Mayor McCabe presented the Consent Agenda containing the following 4 items of business. The Consent Agenda was approved by Omnibus vote of the Council.

6.1. November 2018 Building Report

6.2. Liquor Commission Minutes of September 27, 2018

6.3. Liquor Commission Minutes of October 25, 2018

6.4. Public Bodies Scheduled Meeting Dates

6.5. Motion to: **Approve Consent Agenda**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Ritchason, Council Member
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

NEW BUSINESS

7.1. Resolution No. 128-18/19 Abatement of Taxes Ordinance No. 2667-12/13 Series 2012 $2,100,000 Levy and Collection of Taxes Ordinance No. 2673-12/13

City Manager Mark Rothert told the Council the next two resolutions authorized that taxes not be levied against taxable real property in the City of Pekin for repayment of the bond issued for Capital Improvements. Principal and Interest Payments of $1,975,000.00 would be paid from other sources than a levied amount. The second abatement resolution authorized that taxes not be levied for repayment of the bond issued in the amount of $581,670.00 for Sewer Treatment Plant Improvement from the sewerage fund.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Michael Ritchason, Council Member
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

7.2. Resolution No. 129-18/19 Abatement of Taxes Ordinance No. 2625-10/11 Taxable General Obligation Bonds Series 2010 $7,110,000

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	John P Abel, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

7.3. 2018 Property Tax Levy

The City Manager introduced the ordinance to levy and assessment of $6,676,833.00. He advised the Council the proposal represented a 3% increase over the 2017 adopted levy requested for the following reasons:

Police Pension = $1,853,893 (34%)

Fire Pension = $3,289,148 (59%)

Library Bonds = $400,500 (7%)

Subtotal $5,543,541)100%)

Library = $1,133,291

TOTAL - $6,676,833

Mr. Rother indicated he had just learned from the actuarial that fire pensions were increasing 10% over last year and police amounted to 5.25% increase. Also adversely impacting the city was an overall reduction in EAV from $448,656,354 to an estimated $444,685,172. A $100,000 property value would experience an increase of approximately $15.48 increase in taxes in the year of 2019.

Each Council Member was given the opportunity to speak.

Council Member Garrison felt the fire and police pensions should be cut in half.

Council Member Orrick asked that the levy be reduced to 2.8% and that the option to levying for expenses was to control spending.

Council Member Luft expressed a need to explore more option and to think outside the box in funding the pension liability.

Council Member Ritchason commented on his disappointment that more discussions and ideas had not been discussed before the meeting.

RESULT:	**ADOPTED [5 TO 2]**
MOVER:	Mark Luft, Council Member
SECONDER:	Michael Garrison, Councilman
AYES:	Schramm, Garrison, Abel, Ritchason, McCabe
NAYS:	Lloyd Orrick, Mark Luft

7.4. Motion to: **Motion to Amend 7.3 Tax Levy from 3% to 2.8%**

RESULT:	**DEFEATED [3 TO 4]**
MOVER:	Lloyd Orrick, Mayor Pro-Tem
SECONDER:	James A Schramm, Council Member
AYES:	James A Schramm, Lloyd Orrick, Mark Luft
NAYS:	Michael Garrison, John P Abel, Michael Ritchason, John McCabe

7.5. Resolution 130-18/19 for the Utilization of Tax Increment Financing for the Resurfacing of the 400 Block Alley Between Elizabeth Street and Saint Mary Street.

City Engineer Michael Guerra presented a resolution to pay the expenses in the amount of $13,983.00 for the City's share of the improvement to the alley for work done in conjunction with the County's paving of their parking lot that included 100 ft of alley to ensure surfaces matched. The Council was advised by the engineer due to the condition of the remainder of the alley, the County approached the City to see if the City wanted to partner on the project This allowed for improved infrastructure in need of repair at a reduced cost.

RESULT:	**FAILED [2 TO 0]**
MOVER:	Michael Garrison, Councilman
SECONDER:	Lloyd Orrick, Mayor Pro-Tem
AYES:	Michael Garrison, Lloyd Orrick
AWAY:	Schramm, Abel, Ritchason, Luft, McCabe

7.6. Motion to: **table until next Regularly Scheduled Council Meeting January 14, 2019**

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mark Luft, Council Member
SECONDER:	John P Abel, Council Member
AYES:	Schramm, Garrison, Orrick, Abel, Ritchason, Luft, McCabe

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

8.1. Scheduled 4th Monday of the Month Regular Council Meeting December 24, 2018

Tony Randleman informed the Council there were 51 active firefighters and 40 pensioners. He also discussed the 10% pension ramp.

Dave Nutter commented that the Council took positive steps in their consideration of business items without rubber stamping.

Jim Mangan suggested that the Council adopt an appropriation budget which he felt could have saved 9 million dollars.

Tom Vetch expressed to Council Member Garrison that his statement was unfair.

John McNish stated Council Members Orrick, McCabe, and Abel, members having the longest terms, had not done a thing while in office. Mr. McNish also expressed concern that he had been waiting 2 years for a Treasurer report required of the municipality.

Elaine Richie extended a Merry Christmas to the Council.

Mayor McCabe expressed the City's condolences to the family of Wendell Dixon, a retired firefighter.

RESULT:	**APPROVED [6 TO 1]**
MOVER:	John P Abel, Council Member
SECONDER:	Mark Luft, Council Member
AYES:	Schramm, Garrison, Abel, Ritchason, Luft, McCabe
NAYS:	Lloyd Orrick

EXECUTIVE SESSION 5 ILCS 120/2 (C)

ADJOURN

No further action to come before Council, motion was made by Council Member Ritchason, seconded by Council Member Orrick that Council adjourn. Motion carried viva voce. Mayor McCabe adjourned the meeting at 7:10 P.M.

REQUEST FOR COUNCIL ACTION **To: Council Members** **Date: December 26, 2018** **From: John Lebegue, Building & Inspections**
AGENDA ITEM: September 12, 2018 Minutes of the Pekin Zoning Board of Appeals
AGENDA DATE REQUESTED: January 14, 2019
REQUIRED SIGNATURES
Department Directors and City Staff: Date:
Finance Department (Certification of Availability of Funds)**:** Date:
City Manager: Date:

Pekin Zoning Board of Appeals
City Council Chambers
111 S. Capitol Street, 2nd Level
September 12, 2018
5:00pm

Present:
John Kennedy, Chair
Mary Lanane
Charity Gullett
Kim Joesting

Staff Present: Attorney Scott Kriegsman, John Lebegue, Building Inspections/Development Director

John Kennedy, Chair led the pledge of allegiance.

John Kennedy, Chair called the regular meeting of the Zoning Board of Appeals to order.

Roll call was taken and a quorum declared.

John Kennedy, Chair asked for approval of the Agenda.

MOTION by Mary Lanane, seconded by Charity Gullett to approve the Agenda as presented. On roll call vote, All present voted **AYE. MOTION APPROVED.**

John Kennedy, Chair asked for approval of the May 9, 2018 Minutes.

MOTION by Charity Gullett, seconded by Mary Lanane, to approve the Minutes of May 9, 2018 as presented. On roll call vote, all present voted AYE. **MOTION APPROVED.**

Application #1:
Hearing #1: Open: 5:03 pm Closed: 5:20 pm

Hearing #1:

To allow applicant, Brittany Duffield, to increase the height of a fence in the front yard to six feet in height, in lieu of the allowed 4 foot, ornamental fence in front yard, as stated in the current Zoning Code for R-2 (One Family Residential District) located at 2301 Arlington Circle, with a Legal Description of SEC 25 T25N R5W Marigold Estates Phase 1 Lot 31 & Adj. Nly. Tract, with the following P.I.N.# 04-04-25-102-001, in Tazewell County, Illinois.

Discussion: Chairman John Kennedy asked if anyone had any questions or wished to speak concerning the matter. Kim Joesting asked the applicant why they were seeking the variance. Brittany Duffield appeared before the members of the Zoning Board of Appeals and explained that she was seeking the variance to increase the height of a fence in the front yard to provide access to the rear garage when enclosing the rear yard of the property. Ms. Duffield further stated that the reason the fence had to encroach into the front yard setback was the presence of a fireplace at the northeast corner of the home and that she was considering the installation of a black iron, open type fence.

Charity Gullett asked the applicant if the black iron fence would be 6 foot in height.

Ms. Duffield responded that, yes, the fence would be 6 feet in height.

Neighboring property owners expressed concerns that the installation of a fence in the front yard could obstruct vision at the intersection and was prohibited by the subdivision covenants of that subdivision. A neighboring resident also stated that the installation of a fence 6 foot in height is not something she has seen and wanted information provided as to other fences allowed to be installed in the front yard.

Building Inspections / Development Director John R. Lebegue explained that the variance request only pertained to the installation of a small area of 6 foot fence at the northeast corner of the home and that a variance was not required to install a 6 foot fence to the west of the home as long as the fence maintained the required 25 foot front yard setback.

Ms. Duffield stated that she would be willing to install a 6-foot open, iron fence to address the visibility concerns expressed by the neighboring property owners.

Charity Gullett stated that lot had a very odd configuration and affirmed that the variance request would allow the proposed 6-foot fence to encroach by 2 feet into the front yard setback on the Potomac Ct. frontage.

Mary Lanane asked the members of the homeowner association that had expressed concerns concerning the variance request, if they still objected to the variance request for a 2-foot setback reduction after learning more about the variance request.

The members of the homeowner association stated that they had no real objection to the area where the variance was requested, but still had concerns of a fence being allowed to be installed in the front yard.

Ms. Duffield stated she would be willing to work with the homeowners association in coming up with a fence that acceptable to the association and was planning to install extensive landscaping along the fence to enhance the appearance of the property.

Chairman John Kennedy then called for a vote on the variance request. On a roll call vote, Ayes: Chairman John Kennedy, Charity Gullett, and Kim Joesting. Nays: Mary Lanane. **VARIANCE REQUEST DENIED DUE TO LACK OF FOUR AFFIRMATIVE VOTES.**

PUBLIC INPUT: No public input at this time.

John Kennedy, Chair asked for a motion to adjourn.

MOTION by Kim Joesting, seconded by Charity Gullett to **ADJOURN** the meeting. Meeting Adjourned at 5:28 p.m.

Zoning Board of Appeals
John R. Lebegue, Secretary

REQUEST FOR COUNCIL ACTION

To: Council Members

Date: December 26, 2018

From: John Lebegue, Building & Inspections

AGENDA ITEM: November 14, 2018 Minutes of the Pekin Plan Commission
AGENDA DATE REQUESTED: January 14, 2019
REQUIRED SIGNATURES
Department Directors and City Staff: Date:
Finance Department (Certification of Availability of Funds)**:** Date:
City Manager: Date:

Pekin Planning Commission Meeting
Council Chambers
111 South Capitol Street, 2nd level
November 14, 2018
5:30pm

Present:

Bill Craig, Chair	Chris Deverman
Ron Knautz	Daryl Dagit
Amy Wilson	Don Hild
Tim Bonnette	

The regular meeting of the Pekin Planning Commission was called to order and a quorum was declared.
Staff present: John Lebegue, Building Inspections/Development Director, and Attorney Sue Bosich.

MOTION by Daryl Dagit to approve the November 14, 2018 Agenda, Seconded by Ron Knautz. On roll call vote, all present voted AYE. Motion approved.

MOTION by Daryl Dagit to approve the minutes of September 12, 2018, Seconded by Chris Deverman. On roll call vote, all present voted AYE. Motion approved.

Council Action Reports:

Chairman Bill Craig reported that at the September 24, 2018 regular meeting of the Pekin City Council, the members of the City Council concurred with the recommendation of the Plan Commission and by a unanimous vote approved the petition for Special Use authorization to establish a private park on a vacant parcel on Black Street located in the B-3, General Business District.

Application #1: Review and consideration of a petition for Special Use Authorization to establish a dog grooming salon use at 600 S. 4th street

Prior to the meeting, applicant, Nicole Dougherty, informed the City that she was withdrawing her Special Use petition, as the purchase of the property at 600 S. 4th Street had fallen through and she was no longer purchasing the property.

Application #2: Review and consideration of a petition for Special Use Authorization for Open front Storage at 2909 Court Street.

Hearing #2 (#11-1922): Consideration of a Special Use Petition submitted by Amerco Real Estate Company for Open Front Storage of Uhaul rental trucks, trailers and equipment at a property located at 2909 Court Street with a Legal Description of Sec 7 T24N R4W Pekin

Commercial Park Subd. Lot 2 (Exc. SE Tract) all Lots 3-4 & 5 NW ¼ 8.537 AC in Tazewell County, Illinois, with the following P.I.N.# 11-11-07-101-008.

Open Public Hearing: 5:33 pm

Bill Craig, Chairman, entertained a motion for discussion.

Motion made by Daryl Dagit, seconded by Amy Wilson, to open discussion.

Chairman Bill Craig opened the discussion and asked if there was anyone here to speak in regard to the issue.

Aaron Freeman, representing the U-Haul Company, appeared before the Plan Commission and explained the nature of the Special use request and stated that the U-Haul Company had a long history of reclaiming vacant, underutilized commercial properties such as the former K-Mart property that is the subject of the Special Use request. Mr. Freeman further stated that proposed U-Haul use of the property at 2909 Court Street would include the retail use that is currently being conducted at the property, the exterior, open storage and parking of rental trucks and trailers and equipment and the retrofitting of the interior of the building for climate controlled storage.

Close Public Hearing: 5:37 pm.

Commissioner Don Hild asked if the Special Use petition was only for the outdoor, open storage of rental trucks, trailers and other equipment. Building Inspections / Development Director, John R. Lebegue answered that, yes, the Special Use authorization only pertained to the outdoor, open storage rental trucks, trailers and other equipment.

Commissioner Ron Knautz asked the applicant if the U-Haul Company planned to develop any outlot buildings on the property at 2909 Court Street, given the large size of the property.

Mr. Freeman answered that the U-Haul Company currently did not have any plans to develop and outlot buildings and that the U-Haul Company would be using the entire property.

Chairman Bill Craig asked the applicant what landscaping would be provided on the site.

Mr. Freeman answered by stating that landscaping would be installed along Court Street to improve the appearance of the property.

Commissioner Knautz asked how many vehicles would be stored on the property on average.

Mr. Freeman answered by stating that the equipment was in constant movement and that as few as 1 to 3 trucks could be present on the property and as many as 15 to 20, and it all depended on demand.

Chairman Bill Craig called the question on the request for Special Use Authorization for Open Front Storage of U-Haul rental trucks, trailers and equipment at a property located at 2909 Court Street. On a roll call vote, all present voted Aye. Motion passed.

Application #3: Review and consideration of a petition for Special Use Authorization to construct and operate a solar farm use on a vacant parcel on Koch Street.

Hearing #3 (#11-1923): Consideration of a Special Use Petition submitted by Riverway Drive Solar, LLC to construct a solar farm use on a vacant parcel located on Koch Street in the I-1, Industrial District, with a Legal Description of Sec 10 T24N R5W w ½ (Exc. SLY 120 Ft. & WLY 25 Ft.) NE 1/ of NW ¼ 17.99 AC in Tazewell County, IL, with a P.I.N. # of 10-10-10-100-047.

Open Public Hearing: 5:43 pm

Motion made by Chris Deverman, seconded by Ron Knautz, to open discussion.

Chairman Bill Craig opened the discussion and asked if there was anyone here to speak in regard to the issue.

Tori Green and John Strader, representing Riverway Drive Solar, appeared before the members of the Plan Commission and explained the nature of the Special Use request, stating that the intent of the Special Use being sought was to install and operate a 2 megawatt solar farm on a vacant parcel of land in the Industrial District. Mr. Strader continued by stating that the proposed solar farm use would be a more valued and appropriate use than the current agricultural use of the property and would generate enough electricity to power 450 residential homes and provide additional property tax revenue to the City. Mr. Strader concluded by stating that proposed solar farm array had a life of 25 to 30 years and that array would be decommissioned and pulled out at the end of its useful life.

Jim Mangan appeared before the members of the Plan Commission and asked how the 450 City residents would be able to get the electricity generated by the proposed solar farm.

Mr. Strader answered by stating that there would be a signup process for those interested in purchasing electrical power from the solar farm and that the process would be available in the future.

Close Public Hearing: 5:51 pm.

Commissioner Donald Hild stated that the proposed solar farm use would be good for the City, as there has never been anything developed on that vacant industrial land. Commissioner Hild asked the applicant how and why was the City of Pekin chosen for the proposed solar farm.

Mr. Strader answered that they were working in the region and were seeking vacant industrial property that was available for development. Mr. Strader further stated that the site on Koch Street was also selected because of its suitable grading and close proximity to an electrical substation.

Commissioner Ron Knautz asked what type of fencing would be installed around the proposed solar farm.

Mr. Strader stated that the site would be enclosed by a chain link fence between 6 to 8 feet in height.

Commissioner Knautz further inquired as to sound generated by the power inverters and how long it would take to construct the facility.

Mr. Strader stated that the decibel rating of the power inverters are very minimal and are not louder than a conversation.

Commissioner Tim Bonnette asked where the power inverters would be located on the site.

Mr. Strader stated that they would be utilizing smaller inverters for this project and that they would be located at the front of the property.

Commissioner Bonnette then asked if Riverway Drive Solar would be applying for the energy credits for the proposed solar farm.

Mr. Strader stated that Riverway Drive Solar would be applying for the energy credits being offered by the State of Illinois, but that they would be constructing the solar farm regardless of whether they obtain the energy credits.

Chairman Bill Craig then asked if a landscaping plan would be submitted for the project and the length of the lease for the property.

Mr. Strader stated that a landscaping plan for the site had not yet been developed but that a landscaping plan satisfactory to the City will be submitted before the granting of a building permit or installation of the solar farm. Mr. Strader continued by stating that the lease for the property was for 20 years, with a 5 year extension.

Chairman Craig stated that he had concerns in regard to the decommissioning of the site and wanted to make sure that the required decommissioning bond would be submitted by the developer.

Mr. Strader stated that a decommissioning plan would be submitted before a building permit is issued for construction of the facility.

Chairman Craig asked the applicant if they had any objections in complying with the decommissioning and other requirements of the solar energy system ordinance recently adopted by the City of Pekin.

Mr. Strader stated that they have not yet had the opportunity to review the new solar energy system ordinance adopted by the City of Pekin, but felt that they would have no issues complying with the decommissioning and other requirements of the new ordinance.

City Attorney Sue Bosich stated that Riverway Drive Solar would have to comply with the requirements of the Solar Energy system ordinance since no building permit has been issued and the solar farm has not yet been constructed.

Chairman Craig then moved that the previous motion be amended to include the condition that the proposed solar farm comply with the requirements of Ordinance No. 2805-18/19. Motion was seconded by Commissioner Knautz. Chairman Bill Craig called the question on the request of Riverway Drive Solar for Special Use Authorization to construct and operate a solar farm use on a vacant parcel located on Koch Street in the I-1, Industrial District. On a roll call vote, all present voted Aye. Motion passed.

Application #4: Review and consideration of a petition for Special Use Authorization to establish a sober living residence at 912 Broadway Street.

Hearing #3 (#11-1924): Consideration of a Special Use Petition submitted by Wendy McCready, on behalf of Fight the Fight, to establish a sober living home use at a property located at 912 Broadway Road, with a Legal Description of SEC 2 T24N R5W ACME Subd. Lot 1 Haines Addn. Lot 5 NW ¼ in Tazewell County, Illinois, with the following P.I.N. # 04-10-02-110-004.

Open Public Hearing: 6:12 pm

Motion made by Amy Wilson, seconded by Daryl Dagit, to open discussion.

Chairman Bill Craig opened the discussion and asked if there was anyone here to speak in regard to the issue.

Corey Campbell, representing Fight the Fight, appeared before the members of the Pekin Plan Commission and explained the nature of the proposed sober living community residence use and why the use was needed in the City of Pekin. Mr. Campbell explained that the proposed sober living home would only be occupied by men over the age of 18 and that all residents would undergo a background check and that there would be zero tolerance for substance abuse while residing in the home. Mr. Campbell further explained that the City of Pekin is the epicenter of the heroin problem in the region and that the proposed sober living home would provide a treatment option that currently does not exist in the City. Mr. Campbell continued by stating that over 50 properties had been looked at and that the property at 912 Broadway Street was chosen due to its proximity to the downtown and public transportation. Mr. Campbell concluded by stating that there is currently no state or federal funding available to provide the needed treatment solutions after an addict leaves treatment or prison and the community will have to come together to help those suffering from addiction break free of the addiction and live an accountable and responsible life.

Judy Hale, a nearby resident, appeared before the Plan Commission and stated that she lived a block away from the proposed sober living home and had concerns for the safety of the granddaughter she is raising and other children in the neighborhood. Ms. Hale stated that she understood the need for the facility but did not feel that the use was appropriate to be located in a residential neighborhood.

Lisa Brownfield, a nearby resident, appeared before the Plan Commission and stated that there is a bus stop for kids near the proposed sober living home and that she too had concerns for the safety of the children and did not feel that the sober living home should be located in a residential neighborhood.

Arthur Losher, 916 Broadway Street, appeared before the Plan Commission and stated that he was in opposition to the proposed sober living home as there was no parking allowed on Broadway Street and limited parking on the property at 912 Broadway Street and that residents and visitors of the proposed home would create further congestion in the neighborhood. Mr. Losher continued by stating that he worked at night and had safety concerns for his family should the sober living home be established in the middle of a residential neighborhood. Mr. Losher concluded by stating that he did not see how the sober living home would make the neighborhood better and could also negatively impact the City sewer system given the number of occupants in the home.

Jackie Holmes, a resident of Tazewell County, appeared before the Plan Commission and stated that recovering addicts currently did not have any treatment options once they leave get out of prison or a treatment center, and that we need to see progress in Pekin as addicts need the community’s help.

Megan Losher, 916 Broadway Street, appeared before the Plan Commission and stated that she was concerned as to the decision being made of who lives in the home and who would be conducting the background checks and drug testing. Mrs. Losher further stated that she did not feel that there would be enough oversight and felt that 10 men living in the home would be too many for the home.

Brenda Fosdick, a resident of Pekin, appeared before the Plan Commission and read a letter of support for the proposed sober living home and stated that she felt a sober living home was needed to help addicts get their lives on track and be held accountable.

Jordan Ellis, 915 Broadway Street, appeared before the Plan Commission and stated that he had concerns that addicts would be everywhere in the neighborhood and that with up to 10 men living in the home that there would be a high chance of disorder and opportunity for the creation of problems that don't currently exist in the neighborhood. Mr. Ellis further stated that he had made significant investment in his property and was concerned that he would lose property value if the sober living home were established.

John Lee, a resident of Pekin, appeared before the Plan Commission and stated that drug and alcohol addiction is a community problem and that it should not just be viewed as a neighborhood problem.

Kip Synder, a resident of Pekin, appeared before the Plan Commission and stated that addicts usually relapse and that drug problems already exist in the neighborhood and that the problem could get worse if sober living home were established in the neighborhood. Mr. Snyder further stated that he too felt that the establishment of the sober living home in a residential neighborhood would lower property values.

Jim Mangan, 1200 Parkway Drive, appeared before the Plan Commission and asked what the status of the property at 601 Prince was currently. Chairman Bill Craig stated that the status of 601 Prince was not relevant to this discussion and asked that comments only be directed to the proposed Special Use request. Mr. Mangan then stated that this was a community problem and that it was very important that all problems created by the use are looked at. Mr. Mangan concluded by stating that the applicant for this Special Use request does not reside in Pekin.

Roger Greer, 601 Prince, appeared before the Plan Commission and stated that he has experience with individual dealing with substance abuse while operating a restaurant in Peoria and that there is a serious substance abuse problem in Pekin and that the community is not really doing anything to help. Mr. Greer continued by stating that the location chosen for the proposed sober living home was appropriate because it was near public transportation and that residents of the home would need public transportation to get to work and other appointments. Mr. Greer concluded by stating that a sober living home facility was sorely needed in the City of Pekin and that other homes in the neighborhood were in worse condition than the property at 912 Broadway Street.

Gina Steinsultz, 1003 Market Street, appeared before the Plan Commission and explained that she lived near the bike path and stated that a serious drug problem exists, as drug sales routinely take place on the bike path and that potential residents of the sober living home would have easy access to drugs. Ms. Steinsultz concluded by stating that it would not be fair to the neighborhood for this use to be established and would be a step in the wrong direction.

Judy Hale, a resident of Pekin, appeared for a second time before the Plan Commission and stated that there were a great number of mean and nasty comments on the internet in regard to the proposed sober living home and that she felt that if the applicant had talked to the neighborhood property owners before proposing the use.

Debbie Williams, 913 Highland Dr. appeared before the Plan Commission and stated that she had a problem with the establishment of a sober living home in a residential district. Ms. Williams further stated that she had concerns for the safety of children and elderly residents who resided in the neighborhood and felt that parking issues would be created if the use were established. Ms. Williams concluded by stating that she was not against the idea of a sober living home, but felt that a better site should be found.

A Tazewell County resident appeared before the Plan Commission and explained that her son had lived in a sober living home and that it changed and saved his life, as it gave him the support he needed and held him accountable for his actions. The resident concluded by stating that she would live next door to a sober living home given the very positive impact it had on her son.

Close Public Hearing: 7:13 pm.

Chairman Bill Craig explained that the purpose of the hearing being conducted by the Plan Commission in regard to the establishment of a sober living home at 912 Broadway Street was to determine if the proposed use meets the zoning requirement for the City of Pekin.

Commissioner Donald Hild stated that there are several requirements and finding for a Special Use and that it appeared that there is insufficient parking for the use, the home is not large enough for the number of proposed residents and no neighboring property owner is in favor of the proposed sober living home use.

Corey Campbell stated that there were 3 parking spaces available on the property at 912 Broadway Street, which is enough for the manager and a limited number of visitors. Mr. Campbell further stated that since residents of the home would not have a car and would use public transportation, the sober living home use would not need much parking and it would not be an issue.

Commissioner Hild then asked what the typical amount of square footage is required per resident.

Building Inspections / Development Director John R. Lebegue stated that the allowed number of occupants in the home is determined by the 2015 International Property Maintenance Code.

Commissioner Ron Knautz asked if the house manager is present 24/7 on the property.

Corey Campbell responded that yes, the house manager or another staff person were present 24/7 and were responsible to see that all home rules are followed and manages activities within the home, but that everyone that resides in the home would have responsibilities.

Commissioner Amy Wilson stated that she too felt that the proposed sober living home did not meet all seven of the required findings of fact necessary to recommend approval of a Special Use. Commissioner Wilson continued by stating that she felt that insufficient parking was available for the use and that the use would create congestion and negatively impact the condition of the alley behind the home, as all traffic to the proposed sober living home would have to use the alley since public parking is prohibited on Broadway Street. Commissioner Wilson further stated that she also had concerns that the City sewer system would be negatively impacted by the potential number of tenants that would be occupying the home, as the level of sewage use would be much greater than a single family dwelling.

Corey Campbell stated that the home at 912 Broadway Street had been inspected and no plumbing problems had been discovered.

Commissioner Wilson concluded by stating that she concurred with the opinion of neighboring property owners that the proposed sober living home use had the potential to diminish property values in that neighborhood.

Corey Campbell stated that there are studies that show that the presence of a sober living home in a residential district does not negatively impact home values in the neighborhood.

Commissioner Daryl Dagit stated that he had concerns of excessive density and overcrowding of the property at 912 Broadway Street and felt that there just wasn't enough room for that many residents. Commissioner Dagit further stated that he too had concerns as to the traffic that would be created to the proposed use and that adequate parking was not available for the use at that particular site.

Commissioner Dagit then asked if the proposed sober living home facility or those employed by the home were State certified.

Corey Campbell stated that neither the proposed facility, nor those operating the facility, were state certified.

Commissioner Dagit concluded by stating that he felt that his type of facility was needed in the City, but that the property at 912 Broadway was not well suited for the proposed use.

Wendy McCready appeared before the Plan Commission and stated in response to the concerns expressed in regard to parking, that the most cars that were present at any time at the sober living home in Peoria, IL was 3 cars.

Commissioner Chris Deverman asked how many residents could occupy the home at 912 Broadway Street.

Building Inspections / Development Director John R. Lebegue stated that, pursuant to the occupancy requirements of the 2015 International Property Maintenance Code, 50 square feet of floor area must be provided in the bedroom for each resident of the home.

Wendy McCready stated that contrary to what was listed on the real estate listing, the home at 912 Broadway Street has 4 bedroom, as there is a bedroom on the second floor of the home.

Chairman Bill Craig stated that after hearing the testimony and considering the Special Use request, he did not feel that the use complies with the City Zoning Code.

Chairman Bill Craig then called the question on the request of Wendy McCready, representing Fight the Fight, for Special Use Authorization to establish a sober living home use at a property located at 912 Broadway Road. On a roll call vote, all present voted Nay. Request denied.

No public input.

Motion made by Tim Bonnette, seconded by Chris Deverman to adjourn. On roll call vote, all present voted Aye. Motion approved. Meeting adjourned at 7:38 pm.

Respectfully submitted:
John R. Lebegue, Building Inspections / Development Director

REQUEST FOR COUNCIL ACTION **To: Council Members** **Date: December 13, 2018** **From: John Dossey, Police Chief**
AGENDA ITEM: Tazewell County Animal Control Billing - November 2018
AGENDA DATE REQUESTED: January 14, 2019
ACTION REQUESTED: Receive and File Tazewell County Animal Control Billing – November 2018
DESCRIPTION: Tazewell County Animal Control Billing – November 2018
FINANCIAL IMPACT:
NEIGHBORHOOD CONCERNS:
IMPACT IF APPROVED:
IMPACT IF DENIED:
ALTERNATIVES:
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

Department Directors and City Staff: Date:
Finance Department (Certification of Availability of Funds)**:** Date:
City Manager: Mark A. Rothert Mark A. Rothert, City Manager 1/9/2019 Date:

Tazewell County Animal Control
21314 State Route 9
PO Box 158
Tremont, IL 61568
Phone: (309) 925-3370
FAX: (309) 925- 3633

TAZEWELL COUNTY ANIMAL CONTROL

NOVEMBER 2018 INVOICE

Balance Due **$3753.83**

City Of Pekin
111 S Capitol St
Room 242
Pekin, IL 61554

Our records show the following charges are unpaid.

Date	Description	Charge Amount	Unpaid balance
12-03-2018	Pekin Contract Fee	$3,753.83	$3,753.83
	As of 12-03-2018, there is a balance due of		**$3,753.83**

FOR SERVICES PROVIDED 11/1/2018 - 11/30/2018

Printed using Shelter Pro

Tazewell County Animal Control

Record count on this entire report: 130
Run Date: 12-03-2018 02:26:08 PM by Ryan Sanders
FAX: (309) 925- 3633

Case Intake Register ... 018
Group By Municipality
Order By Municipality

Municipality: **PEKIN**

Case ID	Intake Date	Reason and Transport	ACO	Owner at intake	Animal	Officer Call
11-21-2018 3	11-21-2018	**Euthanasia Request/Owner Turn-in** Pickup location: Not specified or see notes		Terry Sheaffer	**#22019/M/Dog/Jack Russell Terrier** Jack/Small/Senior/Black/White	
11-05-2018 8	11-05-2018	**Euthanasia Request/Owner Turn-in** Pickup location: Not specified or see notes		Tiffany Skelton	**#105715/M/Dog/Boxer** Frankie/Medium/Adult/Tan	
11-06-2018 5	11-06-2018	**Stray/Aco Pickup** Pickup location: 11 Rosenburg Court, Pekin, IL 61554	Harms, Jaymee	Ryan Lohnes	**#122097/F/Dog/English Bulldog** Mya/Large/Adult/Brindle/White	4836
11-13-2018 2	11-13-2018	**Stray/Aco Pickup** Pickup location: 100 Taps Lane, Pekin, IL 61554	Harms, Jaymee	Stephanie Zink	**#112122/F/Dog/Rat Terrier** Mollie/Small/Senior/Black/Brown	4868
11-09-2018 5	11-09-2018	**Stray/Aco Pickup** Pickup location: 1301 Court St, Pekin, IL 61554	Lohnes, Pam	Kitty Patterson	**#148753/M/Dog/Gsd** John Brown/Medium/Adult/Brown	4856
11-06-2018 1	11-06-2018	**Euthanasia Request Bite/Aco Pickup** Pickup location: 1103 S 11th, Pekin, IL 61554	Harms, Jaymee	John Williams	**#149680/M/Dog/Pit Bull** Cato/Large/Adult/Brown	4833
11-21-2018 9	11-21-2018	**Stray/Aco Pickup** Pickup location: 1418 Belaire, Pekin, IL 00000	Harms, Jaymee	Kari Bolen	**#124657/F/Dog/Hound** Daisy/Medium/Adult/Black/Tan	4925
11-12-2018 2	11-12-2018	**Owner Surrender/Aco Pickup** Pickup location: 213 Sunnyridge, Apt G, Pekin, IL 61554	Lohnes, Pam	Kathy Weller	**#137086/F/Cat/Dsh** Kalie/Medium/Adult/Calico/Calico	4866
11-30-2018 7	11-30-2018	**Stray/Aco Pickup** Pickup location: 1602 Summit, Pekin, IL 61554	Kautz, Chad	Kris Lancaster	**#157855/M/Dog/Pit Bull** Lemmy/Large/Adult/Blue	4963
11-30-2018 10	11-30-2018	**Owner Surrender/Aco Pickup** Pickup location: 1009 Coolidge, Pekin, IL 61554	Kautz, Chad	Jake Cooper	**#161806/F/Dog/Pit Bull** Annabelle/Large/Adult/Gray/White	4965
11-01-2018 1	11-01-2018	**Stray/Citizen Turn-in** Pickup location: Not specified or see notes		Hannah Hillier	**#168678/M/Cat/Dmh** Oliver/Medium/Adult/Tabby/White	
11-02-2018 5	11-02-2018	**Stray/Aco Pickup** Pickup location: 106 Washington St, Pekin, IL 61554	Lohnes, Pam		**#168722/F/Cat/Dsh** Biscuits/Small/Kitten/Seal Point	4809
11-04-2018 1	11-04-2018	**Wildlife/Aco Pickup** Pickup location: 26 Oriole Lane, Pekin, IL 61554	Harms, Jaymee		**#168744/U/Other/Bat** Small/Adult/Brown	4820
11-05-2018 4	11-05-2018	**Stray/Aco Pickup** Pickup location: 2004 Susan Hope Drive, Pekin, IL 61554	Harms, Jaymee		**#168779/M/Cat/Dsh** Spangler/Small/Kitten/Black/White	4821
11-05-2018 6	11-05-2018	**Stray/Aco Pickup** Pickup location: 2004 Susan Hope Drive, Pekin, IL 61554	Harms, Jaymee		**#168781/M/Cat/Dsh** Winston/Small/Kitten/Black/White	4821
11-05-2018 10	11-05-2018	**Stray/Aco Pickup** Pickup location: 14043 Woodford Drive, Pekin, IL 61554	Harms, Jaymee	Shyla Edwards	**#168807/F/Pig/Pot Bellied** Large/Adult/White/Gray	4826
11-06-2018 2	11-06-2018	**Stray/Aco Pickup** Pickup location: 2004 Susan Hope Drive, Pekin, IL 00000	Harms, Jaymee		**#168830/M/Cat/Dsh** Ray/Small/Kitten/White/Black	4832
11-07-2018 5	11-07-2018	**Stray/Aco Pickup** Pickup location: 1801 Holiday Drive, Pekin, IL 61554	Lohnes, Pam		**#168896/U/Cat/Dsh** Feral/Small/Adult/Tabby	4841

Records on this page: 18

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Tazewell County Animal Control

Case Intake Register 11-01-2018 to 11-30-2018

Record count on this entire report: 130
Run Date: 12-03-2018 02:26:08 PM by Ryan Sanders
FAX: (309) 925- 3633

Group By Municipality
Order By Municipality

Municipality: PEKIN

Case ID	Intake Date	Reason and Transport	ACO	Owner at intake	Animal	Officer Call
11-27-2018 3	11-27-2018	**Stray/Aco Pickup** Pickup location: 1324 Illinois, Pekin, IL 61554	Harms, Jaymee	Cher Bitner	**#169058/M/Dog/Alaskan Malamute** Krypto/Large/Adult/Black/White	4940
11-27-2018 4	11-27-2018	**Stray/Aco Pickup** Pickup location: 1324 Illinois, Pekin, IL 61554	Harms, Jaymee	Cher Bitner	**#169059/M/Dog/Husky** Orko/Large/Adult/Black/White	4940
11-14-2018 2	11-14-2018	**Stray/Citizen Turn-in** Pickup location: Not specified or see notes			**#169092/F/Cat/Dsh** Small/Adult/Tortoise Shell	
11-19-2018 2	11-19-2018	**Stray/Aco Pickup** Pickup location: 100 Taps Lane, Pekin, IL 61554	Harms, Jaymee		**#169165/M/Cat/Dlh** Small/Adult/Orange	4907
11-20-2018 6	11-20-2018	**Wildlife/Aco Pickup** Pickup location: 1420 Catherine, Pekin, IL 61554	Lohnes, Pam		**#169259/U/Other/Squirrel** Small/Adult/Blonde	4919
11-21-2018 2	11-21-2018	**Owner Surrender/Owner Turn-in** Pickup location: Not specified or see notes		Bobbie Searle	**#169274/M/Dog/Chihuahua** Lambchop/Small/Adult/Fawn	
11-22-2018 1	11-22-2018	**Stray/Aco Pickup** Pickup location: 111 S Capitol St, Pekin, IL 61554	Kautz, Chad	Seth Ramirez	**#169298/M/Dog/Pit Bull** Charlie/Medium/Adult/White	4927
11-23-2018 1	11-23-2018	**Quarantine/Aco Pickup** Pickup location: 1219 S 13, Pekin, IL 61554	Homerin, Charlena		**#169301/M/Dog/Aussie** Booker/Medium/Puppy/Tri	4929
11-28-2018 16	11-28-2018	**Stray/Aco Pickup** Pickup location: 303 Capri St, Pekin, IL 61554	Harms, Jaymee		**#169420/M/Cat/Dsh** Small/Adult/Black	4944
11-30-2018 8	11-30-2018	**Stray/Aco Pickup** Pickup location: 303 Pine Valley, Pekin, IL 61554	Kautz, Chad		**#169457/F/Cat/Dsh** Small/Gray	4964
11-06-2018 4	11-06-2018	**Owner Surrender/Owner Turn-in** Pickup location: Not specified or see notes		Skylynn Henderson	**#166248/M/Cat/Dsh** Theo/Medium/Kitten/Gray/Black	
11-15-2018 3	11-15-2018	**Stray/Aco Pickup** Pickup location: 1325 S 6th St, Pekin, IL 61554	Lohnes, Pam	Heather Flaminio	**#166690/M/Cat/Dsh** Arlo/Medium/Adult/Gray/Tabby	4885
11-01-2018 2	11-01-2018	**Stray/Aco Pickup** Pickup location: 106 Washington St, Pekin, IL 61554	Lohnes, Pam		**#168680/F/Cat/Dsh** Feral/Small/Kitten/Calico	4800
11-03-2018 3	11-03-2018	**Other/Aco Pickup** Pickup location: Walmart Court St, Pekin, IL 61554	Harms, Jaymee	Kelly Carrell	**#168743/F/Dog/Pomeranian** Precious/Small/Adult/Red	4819
11-05-2018 5	11-05-2018	**Stray/Aco Pickup** Pickup location: 2004 Susan Hope Drive, Pekin, IL 61554	Harms, Jaymee		**#168780/M/Cat/Dsh** Venkman/Small/Kitten/Black/White	4821
11-12-2018 1	11-12-2018	**Stray/Aco Pickup** Pickup location: Parkway & Broadway, Pekin, IL 61554	Lohnes, Pam		**#169022/U/Cat/Dsh** Small/Adult/Black/White	4863
11-13-2018 1	11-13-2018	**Stray/Aco Pickup** Pickup location: 1615 S 2nd, Pekin, IL 61554	Lohnes, Pam	Irene Solis	**#169025/M/Dog/Siberian Husky** Rayo/Large/Adult/Black/Tan	4867
11-13-2018 3	11-13-2018	**Stray/Aco Pickup** Pickup location: 100 Taps Lane, Pekin, IL 61554	Harms, Jaymee		**#169028/F/Dog/Heeler** Ember/Medium/Adult/Multi	4868

Records on this page: 18

Tazewell County Animal Control

Record count on this entire report: 130
Run Date: 12-03-2018 02:26:08 PM by Ryan Sanders
FAX: (309) 925- 3633

Municipality: PEKIN

Case ID	Intake Date	Reason and Transport	ACO	Owner at intake	Animal	Officer Call
11-14-2018 1	11-14-2018	**Stray/Aco Pickup** Pickup location: 1801 Holiday Drive, Pekin, IL 61554	Harms, Jaymee		**#169063/F/Cat/Dsh** Nell/Small/Adult/Black	4879
11-14-2018 3	11-14-2018	**Owner Surrender/Aco Pickup** Pickup location: 1231 S Capitol St, Pekin, IL 61554	Lohnes, Pam	Dennis Roberson	**#169100/M/Dog/Pit Bull** Vader/Medium/Adult/Black/White	4883
11-17-2018 3	11-17-2018	**Wildlife/Aco Pickup** Pickup location: 111 S Capitol St, Pekin, IL 61554	Kautz, Chad		**#169146/U/Other/Bat** Small/Baby/Brown	4905
11-19-2018 3	11-19-2018	**Stray/Aco Pickup** Pickup location: 100 Taps Lane, Pekin, IL 61554	Harms, Jaymee	Stephanie Wade	**#169166/F/Dog/Chihuahua** Dizzy/Small/Adult/Chocolate	4907
11-19-2018 4	11-19-2018	**Stray/Aco Pickup** Pickup location: 100 Taps Lane, Pekin, IL 61554	Harms, Jaymee		**#169167/M/Dog/Pointer** Tinsle Toe/Medium/Adult/Liver/White	4907
11-19-2018 5	11-19-2018	**Wildlife/Aco Pickup** Pickup location: 1014 State, Pekin, IL 61554	Harms, Jaymee		**#169168/U/Other/Bat** Small/Adult/Brown	4906
11-20-2018 5	11-20-2018	**Owner Surrender/Owner Turn-in** Pickup location: Not specified or see notes		Chris Welbourne	**#169252/M/Cat/Dsh** Milo/Medium/Adult/White/Black	
11-21-2018 5	11-21-2018	**Stray/Citizen Turn-in** Pickup location: Not specified or see notes			**#169291/M/Cat/Dmh** Medium/Adult	
11-27-2018 5	11-27-2018	**Stray/Citizen Turn-in** Pickup location: Not specified or see notes			**#169387/M/Cat/Dsh** Medium/Adult/Black	
11-28-2018 13	11-28-2018	**Stray/Aco Pickup** Pickup location: 3136 Edgewater Drive, Pekin, IL 61554	Harms, Jaymee		**#169414/F/Cat/Dsh** Slush/Small/Adult/Gray	4948
11-28-2018 14	11-28-2018	**Stray/Aco Pickup** Pickup location: 3136 Edgewater Drive, Pekin, IL 61554	Harms, Jaymee		**#169416/M/Cat/Dsh** Puddles/Small/Kitten/Black	4948
11-28-2018 15	11-28-2018	**Stray/Aco Pickup** Pickup location: 303 Capri St, Pekin, IL 61554	Harms, Jaymee		**#169418/F/Cat/Dsh** Small/Adult/Brown/Tabby	4944
11-30-2018 9	11-30-2018	**Stray/Aco Pickup** Pickup location: 1009 Coolidge, Pekin, IL 61554	Kautz, Chad	Jake Cooper	**#169468/U/Smallfurry/Ferret** Small/Adult	4965
11-30-2018 11	11-30-2018	**Stray/Aco Pickup** Pickup location: 225 Sunnyridge, Pekin, IL 61554	Harms, Jaymee		**#169469/M/Cat/Dsh** Miller/Small/Adult/Orange	4968

End of Group **Group count:** 50

REQUEST FOR COUNCIL ACTION

To: Council Members

Date: January 8, 2019

From: John Dossey, Police Chief

AGENDA ITEM: Tazewell County Animal Control Billing - December 2018	
AGENDA DATE REQUESTED: January 14, 2019	
ACTION REQUESTED: Receive and File Tazewell County Animal Control Billing – December, 2018	
DESCRIPTION: Tazewell County Animal Control Billing – December, 2018	
FINANCIAL IMPACT:	
NEIGHBORHOOD CONCERNS:	
IMPACT IF APPROVED:	
IMPACT IF DENIED:	
ALTERNATIVES:	
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	

Department Directors and City Staff: Date:
Finance Department (Certification of Availability of Funds)**:** Date:
City Manager: Mark A. Rothert Mark A. Rothert, City Manager 1/9/2019 Date:

Tazewell County Animal Control
21314 State Route 9
PO Box 158
Tremont, IL 61568
Phone: (309) 925-3370
FAX: (309) 925- 3633

TAZEWELL COUNTY ANIMAL CONTROL

DECEMBER 2018 INVOICE

Balance Due **$3753.83**

City Of Pekin
111 S Capitol St
Room 242
Pekin, IL 61554

Our records show the following charges are unpaid.

Date	Description	Charge Amount	Unpaid balance
01-02-2019	Pekin Contract Fee	$3,753.83	$3,753.83
	As of 01-02-2019, there is a balance due of		**$3,753.83**

FOR SERVICES PROVIDED 12/1/2018 - 12/31/2018

Printed using Shelter Pro

Tazewell County Animal Control

Case Intake Register 12-01-2018 to 12-31-2018

Record count on this entire report: 99
Run Date: 01-02-2019 12:49:50 PM by Tazewell County Animal Control
FAX: (309) 925- 3633

Group By Municipality
Order By Municipality

Municipality: **PEKIN**

Case ID	Intake Date	Reason and Transport	ACO	Owner at intake	Animal	Officer Call
12-19-2018 4	**12-19-2018**	**Owner Surrender/Aco Pickup** Pickup location: 1509 Anna Road, Pekin, IL 61554	**Harms, Jaymee**	**Beulah And Ed...**	**#117064/F/Cat/Dsh** Sophie/Small/Adult/Brown/Tabby	**5033**
12-19-2018 8	**12-19-2018**	**Owner Surrender/Aco Pickup** Pickup location: 1509 Anna Road, Pekin, IL 61554	**Harms, Jaymee**	**Beulah And Ed...**	**#128284/M/Cat/Dsh** Bones/Small/Adult/Black/White	**5033**
12-19-2018 2	**12-19-2018**	**Owner Surrender/Aco Pickup** Pickup location: 1509 Anna Road, Pekin, IL 61554	**Harms, Jaymee**	**Beulah And Ed...**	**#91170/F/Cat/Dsh** Nala/Small/Senior/Calico	**5033**
12-19-2018 1	**12-19-2018**	**Owner Surrender/Aco Pickup** Pickup location: 1509 Anna Road, Pekin, IL 61554	**Harms, Jaymee**	**Beulah And Ed...**	**#97790/F/Cat/Dsh** Autumn/Small/Senior/Tortoise/White	**5033**
12-20-2018 4	**12-20-2018**	**Owner Surrender/Aco Pickup** Pickup location: 201 Catherine St, Pekin, IL 61554	**Harms, Jaymee**	**Steve Kelly**	**#158585/F/Dog/Dachshund** Love/Medium/Senior/Black/Tan	**5040**
12-20-2018 3	**12-20-2018**	**Owner Surrender/Aco Pickup** Pickup location: 201 Catherine St, Pekin, IL 61554	**Harms, Jaymee**	**Steve Kelly**	**#122950/M/Dog/Dachshund** Symba/Small/Adult/Gold	**5040**
12-27-2018 3	**12-27-2018**	**Owner Surrender/Aco Pickup** Pickup location: 5 Dominion Court, Pekin, IL 61554	**Homerin, Charlena**	**Travis Bonk**	**#162113/M/Dog/Shepherd** Max/Large/Adult/White	**5066**
12-31-2018 6	**12-31-2018**	**Quarantine/Aco Pickup** Pickup location: 1003 Veerman, Pekin, IL 61554	**Harms, Jaymee**	**Eric Henson**	**#165215/M/Dog/Pit Bull** Ajax/Medium/Adult/Black/White	**5082**
12-27-2018 2	**12-27-2018**	**Owner Surrender/Aco Pickup** Pickup location: 5 Dominion Court, Pekin, IL 61554	**Homerin, Charlena**	**Travis Bonk**	**#140178/F/Dog/Labrador Retriever** Ali/Medium/Adult/Brindle	**5066**
12-14-2018 3	**12-14-2018**	**Euthanasia Request Bite/Aco Pickup** Pickup location: 1303 Fenley Avenue, Pekin, IL 61554	**Kautz, Chad**	**Anne Henry**	**#141997/M/Dog/Aussie** Sparky/Medium/Adult/Red Merle	**5019**
12-11-2018 3	**12-11-2018**	**Owner Surrender/Owner Turn-in** Pickup location: Not specified or see notes		**Mary Goolsby**	**#152503/F/Dog/Terrier** Precious/Small/Adult/Copper	
12-05-2018 7	**12-05-2018**	**Stray/Citizen Turn-in** Pickup location: Not specified or see notes		**Penny J Smith**	**#169639/M/Dog/Chihuahua** Jack/Small/Adult/Tan	
12-06-2018 2	**12-06-2018**	**Stray/Aco Pickup** Pickup location: 745 Prince, Pekin, IL 61554	**Kautz, Chad**		**#169672/M/Cat/Dsh** Prince/Medium/Adult/Gray/Tabby	**4991**
12-07-2018 3	**12-07-2018**	**Stray/Citizen Turn-in** Pickup location: Not specified or see notes			**#169703/F/Cat/Dsh** Lucky/Medium/Adult/White	
12-07-2018 13	**12-07-2018**	**Stray/Aco Pickup** Pickup location: 111 S Capitol St, Pekin, IL 61554	**Lohnes, Pam**	**Tim Lehman**	**#169715/M/Dog/Labrador Retriever** Sid/Large/Adult/Black	**4996**
12-08-2018 2	**12-08-2018**	**Stray/Aco Pickup** Pickup location: 101 N 8th St, Pekin, IL 61554	**Kautz, Chad**		**#169717/F/Cat/Dsh** Small/Adult/Black/White	**4997**
12-10-2018 1	**12-10-2018**	**Owner Surrender/Aco Pickup** Pickup location: 100 Taps, Pekin, IL 61554	**Harms, Jaymee**		**#169739/M/Dog/Chihuahua** Oliver/Small/Adult/White	**4999**
12-17-2018 6	**12-17-2018**	**Stray/Aco Pickup** Pickup location: 221 Margaret St, Pekin, IL 61554	**Kautz, Chad**	**Jimmy Golden**	**#169932/M/Dog/Labrador Retriever** Kojack/Small/Adult/Black/White	**5026**

Tazewell County Animal Control

Case Intake Register 12-01-2018 to 12-31-2018

Record count on this entire report: 99
Run Date: 01-02-2019 12:49:50 PM by Tazewell County Animal Control
FAX: (309) 925- 3633

Group By Municipality
Order By Municipality
Page Number: 12 of 14

Municipality: PEKIN

Case ID	Intake Date	Reason and Transport	ACO	Owner at intake	Animal	Officer Call
12-19-2018 3	12-19-2018	**Owner Surrender/Aco Pickup** Pickup location: 1509 Anna Road, Pekin, IL 61554	Harms, Jaymee		**#170001/F/Cat/Dsh** Tracy/Small/Adult/Black/White	5033
12-23-2018 1	12-23-2018	**Owner Surrender/Aco Pickup** Pickup location: 1013 Summer, Pekin, IL 61554	Homerin, Charlena	Kristina Owens	**#170074/M/Dog/Chihuahua** Moose/Small/Adult/Brown	5051
12-30-2018 1	12-30-2018	**Stray/Aco Pickup** Pickup location: 500 Coal Car Drive, Pekin, IL 61554	Kautz, Chad	Lori Townzen	**#170186/F/Dog/Heeler** Kali/Small/Adult/Brindle/White	5076
12-31-2018 4	12-31-2018	**Owner Surrender/Owner Turn-in** Pickup location: Not specified or see notes		Josh Blazer	**#170210/M/Dog/Boxer** Cotton/Large/Adult/White	
12-31-2018 5	12-31-2018	**Owner Surrender/Owner Turn-in** Pickup location: Not specified or see notes		Lisa Bumbalough	**#170214/M/Dog/Pit Bull** Balou/Large/Adult/Blue/Brindle	
12-19-2018 9	12-19-2018	**Stray/Citizen Turn-in** Pickup location: Not specified or see notes		Heather And Brian...	**#164951/F/Dog/Beagle** Sprinkles/Medium/Adult/Black/White	
12-05-2018 8	12-05-2018	**Stray/Aco Pickup** Pickup location: 2703 Pine St, Apt 2, Pekin, IL 61554	Lohnes, Pam		**#169642/F/Cat/Dsh** Domino/Medium/Adult/Black/White	4987
12-07-2018 1	12-07-2018	**Stray/Aco Pickup** Pickup location: 101 8th St, Pekin, IL 61554	Lohnes, Pam		**#169687/U/Cat/Dsh** Large/Adult/Brown/White	4993
12-07-2018 4	12-07-2018	**Wildlife/Aco Pickup** Pickup location: 1308 Highland Avenue, Pekin, IL 00000	Lohnes, Pam		**#169706/U/Other/Bat** Small/Adult/Brown	4994
12-09-2018 1	12-09-2018	**Stray/Aco Pickup** Pickup location: 229 Derby St, Pekin, IL 61554	Kautz, Chad		**#169719/M/Cat/Dsh** 8-ball/Large/Adult/Black/White	4998
12-10-2018 2	12-10-2018	**Owner Surrender/Aco Pickup** Pickup location: 100 Taps, Pekin, IL 61554	Harms, Jaymee		**#169740/F/Dog/Chihuahua** Angel/Medium/Adult/Red	4999
12-13-2018 2	12-13-2018	**Stray/Citizen Turn-in** Pickup location: Not specified or see notes			**#169861/F/Dog/Pit Bull** Charity/jersey/Medium/Adult/White/Red	
12-14-2018 1	12-14-2018	**Stray/Aco Pickup** Pickup location: 101 8th St, Pekin, IL 61554	Lohnes, Pam		**#169887/U/Cat/Dsh** Small/Adult/Black/White	5015
12-17-2018 3	12-17-2018	**Stray/Citizen Turn-in** Pickup location: Not specified or see notes			**#169929/M/Cat/Dsh** Gary/Large/Adult/Black/White	
12-20-2018 7	12-20-2018	**Quarantine/Aco Pickup** Pickup location: 427 Caroline St, Pekin, IL 61554	Kautz, Chad		**#170066/U/Cat/Dsh** Medium/Adult/Black	5042
12-27-2018 1	12-27-2018	**Stray/Aco Pickup** Pickup location: Not specified or see notes	Homerin, Charlena		**#170123/F/Dog/Pit Bull** Carolina/Large/Adult/Brindle/White	5065

End of Group **Group count:** **34**

REQUEST FOR COUNCIL ACTION

To: Council Members

Date: January 9, 2019

From: Sue McMillan, City Clerk

Sue McMillan, City Clerk

AGENDA ITEM: Reappointment of David Volz to the Housing Authority

AGENDA DATE REQUESTED: January 14, 2019

ACTION REQUESTED: Adopt Resolution No. 132-18/19.

DESCRIPTION: Request from the Housing Authority Director to the Mayor to reappoint David Volz to the Housing Authority Board for a 5 year term until January 14, 2024.

FINANCIAL IMPACT: N/A

NEIGHBORHOOD CONCERNS: N/A

IMPACT IF APPROVED: Mr. Volz will remain of the Board of Directors

IMPACT IF DENIED: The Mayor would appoint a new member to the Board.

ALTERNATIVES: An appointment of a new member to the Board.

RELATED TO EFFICIENCY STUDY: N/A

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.
X	**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	
Department Directors and City Staff: Date:	
Finance Department (Certification of Availability of Funds)**:** Date:	
City Manager: Mark A. Rothert Mark A. Rothert, City Manager 1/9/2019 Date:	

Resolution No. 132-18/19 Reappointment of David Volz to the Pekin Housing Authority

<Insert Legislation Here>

MAYOR

ATTEST:

CITY CLERK

RESOLUTION NO. 132-18/19

January 14, 2019

PEKIN, ILLINOIS,

RESOLUTION BY COMMISSIONER

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS, THAT:
the Mayor's reappointment of David Volz to the Pekin Housing Authority Board for a 5-year term ending January 14, 2024 is approved.

7 Gale Court

Pekin, IL 61554

347-8505

SIGNED BY
MAYOR.

HOUSING BOARD

5:00 P.M. 2ND TUESDAY OF THE MONTH (HOUSING OFFICE)

SHARRON K. CHURCH
324 PARK RIDGE LANE..............................TERM ENDS JANUARY 14, 2020
1-309-885-2450

KARL JORDAN
1827 VALLE VISTA
253-4441 .... TERM ENDS JANUARY 14, 2021
kjordan@pekinhousing.org

ROBERT SMALL
803 PARK AVENUE
202-3118 .... TERM ENDS JANUARY 14, 2022
bobsmall1951@yahoo.com

ANN J. TRUMPY
1014 FLORENCE
613-8876……....................................... TERM ENDS JANUARY 14, 2023
anntuaw@gmail.com

DAVID VOLZ
7 GALE COURT
655-2405 (office)
347-8505 .... TERM ENDS JANUARY 14, 2024
advolz@outlook.com

DENNIS GREEN, DIRECTOR
PEKIN HOUSING
1901 BROADWAY
346-7996
dgreen@pekinhousing.org

REQUEST FOR COUNCIL ACTION **To: Council Members** **Date: November 14, 2018** **From: Elliff & Bosich, City Attorney** **Pamela Anderson, Community Development Dir**
AGENDA ITEM: Dr. Martin Luther King Jr. - day of service
AGENDA DATE REQUESTED: January 14, 2019
REQUIRED SIGNATURES
Department Directors and City Staff: Date:
Finance Department (Certification of Availability of Funds)**:** Date:
City Manager:

Mark A. Rothert

Mark A. Rothert, City Manager 11/14/2018

Date:

WHEREAS, Dr. Martin Luther King, Jr. devoted his life to the advancement of civil rights and public service; and

WHEREAS, citizens of Illinois and across the country honor Dr. King's legacy each year in January; and

WHEREAS, Dr. King recognized that everybody can be great because everybody can serve, and, during his lifetime, encouraged all Americans to serve their neighbors and their communities; and

WHEREAS, Martin Luther King Day focuses on bringing people together and breaking down the barriers that have divided us as a nation; and

WHEREAS, thousands of Illinois residents will commemorate the significance of Martin Luther King Day by performing community service that benefits communities and neighborhoods, and provides a fitting memorial to the life of Dr. Martin Luther King, Jr.

NOW, THEREFORE, BE IT RESOLVED that I, JOHN MCCABE, Mayor, City of Pekin, Illinois, do hereby proclaim January 21st, 2019, as

"DR. MARTIN LUTHER KING JR. DAY"

in the City of Pekin, Tazewell County, Illinois, we messurge citizens to recognize it as a day of service throughout Illinois, as well as a day to honor this profound and influential civil rights leader.

ADOPTED, this 14th day of January, in the Year of Our Lord, Two Thousand and Nineteen.

John McCabe
Mayor

ATTEST:

SUE E. MCMILLAN
City Clerk

REQUEST FOR COUNCIL ACTION

To: Council Members **Date: January 9, 2019** **From: Sue McMillan, City Clerk** **Jim Wolf, City Treasurer**
AGENDA ITEM: Presentation Pension Obligation Bonds
AGENDA DATE REQUESTED: January 14, 2019
REQUIRED SIGNATURES
Department Directors and City Staff: Date:
Finance Department (Certification of Availability of Funds)**:** Date:
City Manager: Date:

REQUEST FOR COUNCIL ACTION

To: Council Members

Date: December 24, 2018

From: Michael Guerra, City Engineer

AGENDA ITEM: Intergovernmental agreement with Tazewell County for Aerial Photography

AGENDA DATE REQUESTED: January 14, 2019

ACTION REQUESTED: To approve the resolution to enter into the Intergovernmental Agreement with Tazewell County for the Digital Aerial Orthophotography with the City share of the cost being $28,838.00

DESCRIPTION: This request is for an intergovernmental agreement with Tazewell County for new aerial photography of the County. This aerial photography is for updated photos of the County with 6 inch certified photography for the county. This means the photos can be zoomed down to a 6 inch level with certainty. However for this project the City will receive 3 inch resolution with 4 way oblique angles for our location. This will be greatly benefit the City staff as several project can be designed off these images and reduce the amount of time staff will have to spend confirming the field conditions. This will also allow the departments to have current and accurate imagery for the City for use for the different projects. This imagery will allow for the inclusion of the different construction activity that has taken place the past couple of years such as VFW Road Construction, the change in use of Kmart, the construction of Pekin Insurance and others.

Eagle View Pictometry has also included some additional features for this bid. The features include access to a change finder feature which will allow detection of changes between images which would include building footprints or other major changes. This would be beneficial for the zoning department to be able to find unpermitted structures or exterior improvements. Another feature that is included is rapid access which is a disaster response program where they will re-fly the area affected by a natural disaster and have a post event imagery available in 2-3 days. The City has experienced several natural disasters over the past decade where the City had paid out of pocket for aerial imagery for post event imagery. Finally the City will have up to 5 logins into Pictometry Connect which is a web based program where the aerial photography can be accessed with the use of an ERSI project (GIS). Therefore this will allow several people to be able to utilize the photography without having to have knowledge of GIS. Economic development, zoning and planning, street department, police and others will easily have access to the images easily.

The cost for the images is being shared between several communities. The County has received a grant of $45,000 from IDOT for the aerial flights and has agreed to pay half of the remaining cost totaling $88,250. The remaining cost is then split among the remaining 6 communities based on the amount of improved parcel in each community. The City of Pekin share is calculated to be $28,838. In order to make it easier on everyone's budget, the County is allowing the cost to be paid in three annual installments of $9,612.67. This will allow a portion of the cost to incorporate into future budgets.

FINANCIAL IMPACT: The City's portion of the total cost is $28,838 in which the County will the allow the City to pay its share in 3 annual installments of $9,612.67 staring in fiscal year 2020. This will allow the City to budget the cost in the future budgets. It is anticipated that the annual cost will be budgeted in the general operations budget 100-990-569000.

NEIGHBORHOOD CONCERNS: The updated photography will help several departments in the City to be more effective and efficient with current information.

IMPACT IF APPROVED: The intergovernmental agreement will be approved and the City of Pekin will participate with project. This will allow the City to have rights to the updated photos and the additional features.

IMPACT IF DENIED: The intergovernmental agreement will not be approved and the City of Pekin will participate with the project. Therefore the City will not have access to the updated photos and the additional features.

ALTERNATIVES: Seek bids for aerial photography for the City only

RELATED TO EFFICIENCY STUDY: Partner with other communities to reduce the cost of services for the City of Pekin.

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

Department Directors and City Staff:

Date:

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

City Manager:

Mark A. Rothert
Mark A. Rothert, City Manager 1/9/2019

Date:

INTERGOVERNMENTAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF TAZEWELL
AND THE CITY OF PEKIN , ILLINOIS

WHEREAS, the County of Tazewell, hereafter "County", is a body politic and corporate organized under the laws of the State of Illinois; and

WHEREAS, the City of Pekin, Illinois, hereafter "City", is municipal corporation organized under the laws of the State of Illinois; and

WHEREAS, the City and County mutually desire to upgrade digital orthophotography; and

WHEREAS, Tri-County Regional Planning Commission on the behalf of Tazewell County, Peoria County, Logan County and Woodford County collectively advertised a Request for Proposal for a regional digital orthophotography acquisition project and to share in reduced costs for the acquisition; and

WHEREAS, representatives from each of the Counties graded the responses to the RFP and selected Pictometry, to perform the project; and

WHEREAS, the Intergovernmental Cooperation Act of the State of Illinois authorizes the County and the City to enter into Intergovernmental Agreements; and

WHEREAS, the County will be partnering with various municipalities to share in the cost of the digital orthophotography to include a buy up for additional services and deliverables in the total amount of $221,500; and

WHEREAS, the County has been awarded a grant through IDOT's Statewide Planning and Research Funds in the amount of $45,000 to be utilized for aerial flight funding therefore reducing the cost of all requested services and deliverables to $176,500; and

WHEREAS, as result of partnering with other municipalities the County's share of the digital orthophotography project will be $88,250; and

WHEREAS, the City has agreed to partner with the County in the orthophotography acquisition project and share in the reduced costs; and

WHEREAS, of the $176,500 the City has agreed to contribute their share of the cost totaling $28,838 to be paid to the County over a 3 year period of annual installments of $9,612 beginning upon project completion and at the time of delivery. Final payment shall be submitted by June 1, 2021.

NOW THEREFORE, in consideration of the mutual promises contained in this agreement the County of Tazewell, and the City of Pekin, Illinois, agrees as follows:

1. That the foregoing is true, accurate and factual

2. That should any the forgoing 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 City shall reimburse the County for the City's pro-rata share of the digital orthophotogaphy based upon 13,016 improved parcels in the amount of $28,838 to be paid over a 3 year period with annual installments of $9,612 beginning upon project completion and at the time of delivery. Final payment shall be submitted by June 1, 2021.

THIS AGREEMENT, approved by the County Board of Tazewell County, Illinois at their

regularly scheduled board meeting on this ________ day of ____________,

2019, with

Ayes, ________Nays, _______Absent, ______Abstain, _____Present ______

COUNTY OF TAZEWELL, ILLINOIS

____
David Zimmerman, Chairman

ATTEST:

____
County Clerk
Tazewell County

THIS AGREEMENT approved by the City Council of the City of Pekin, Illinois at their regularly scheduled council meeting on this _______ day of __________________, 2019, with

Ayes, ________Nays, _______Absent, ______Abstain, _____Present

CITY OF PEKIN ILLINOIS

____
Mayor

ATTEST:

____
City Clerk
City of Pekin

REQUEST FOR COUNCIL ACTION

To: Council Members

Date: January 9, 2019

From: Michael Guerra, City Engineer

AGENDA ITEM: Resolution for Storm Water Project to include Deerfield and El Camino

AGENDA DATE REQUESTED: January 14, 2019

ACTION REQUESTED: To approve the resolution to include the repairs to Deerfield Estates (Parkfield) and El Camino to resolution 110-18/19 and to utilize the remaining balance of the $38,000 previously authorized.

DESCRIPTION: The City Council Subcommittee on Storm Water recommended at the December 17th, 2018 to include the repairs to Deerfield Estates (Parkfield Dr.) and to purchase the pipe for the repairs to El Camino Drive drainage to resolution 110-18/19. The City is anticipating making the repairs to Deerfield (Parkfield Dr.) utilizing City crews in the next two months instead of contracting out this location as originally planned. This location experiences flooding between two homes during heavy rains as the detention pond completely fill us and the water overflows from an open grate drain several yards away and flows over ground. The repairs will include the installation of an overflow structure to allow the pond to have a relief before the water backs up out the open grate manhole. There will be some additional minor repairs to the neighborhood to make sure all the storm sewer outlets are clean and clear to allow for proper drainage. It is anticipated that approximately $3000 of material will be needed to complete this project.

The second project to be added to resolution 110-18/19 would be to allow for the purchase of the storm sewer for improvements to El Camino Drive. This location is currently being developed and the developer is willing to install the storm pipe for the City if the City purchases the pipe. This location was originally planned for later this spring to be repaired but with the assistance of the developer, this would reduce the amount of cost and work the City would need to perform. The developer has already granted the City an easement along the property for this pipe for the installation. The cost of the material for the pipe is anticipated to cost approximately $3,000.

Previously the City Council approved $38,000 for repairs listed in resolution 110-18/19. The majority of those projects have been completed under budget and staff anticipates that at least $15,000 is still available for use. Therefore, the addition of $6,000 of material will still be within the resolution amount of $38,000.

FINANCIAL IMPACT: The addition of $6,000 will still be within the already approved $38,000 authorized from the impound fees in the Capital Budget.	
NEIGHBORHOOD CONCERNS: Two additional location listed on the known storm water problem locations will be repaired.	
IMPACT IF APPROVED: The City will purchase the material for these projects.	
IMPACT IF DENIED: The City will not proceed with the repairs or purchase of the material.	
ALTERNATIVES: The City can contract out the repairs for these locations.	
RELATED TO EFFICIENCY STUDY: N/A	
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	
Department Directors and City Staff: Date:	
Finance Department (Certification of Availability of Funds)**:** Date:	

City Manager:

Mark A. Rothert

Mark A. Rothert, City Manager 1/9/2019

Date:

Resolution 133-18/19 to include stormwater repairs to Deerfield Estates (Parkfield) and El Camino to Resolution 110-18/19

WHEREAS, the City Council created a subcommittee to review and prioritize storm water issues in the City of Pekin during the May 4th, 2018 council meeting; and

WHEREAS, the City Council approved the prioritization of the projects during the August 13th, 2018 Council meeting; and

WHEREAS, the City Council approved the authorization of $38,000 from the Impound Capital Fund to perform several projects with City crews in Resolution 110-18/19; and

WHEREAS, the City Council Subcomittee for Storm Water recommended that the repairs for Deerfield (Parkfield) location and the El Camino Drive estimated at cost of $6,000 for material be included in Resolution 110-18/19; and

WHEREAS, these cost will be include in the existing $38,000 already authorized by Council by resolution 110-18/19; and

WHEREAS, City crews will be utilized to perform the repair at Deerfield Subdivision (Parkfield) and the City will purchase the pipe material for the development at El Camino to be used to improve the storm water drainage.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Pekin, Illinois, that the City staff is authorized to 1) proceed with the repairs listed with City crews, 2) authorization to pay for such expenses estimated at $6,000 for material out of the money allocated by Resolution 110-18/19 for use of Impound Capital Fund in the Fiscal Year 2019 Budget, and execute any necessary documentation.

____
MAYOR

ATTEST:

____
CITY CLERK

Exhibit B

12/17/2018

El Camino Drive Drainage

In original prioritization of projects, this was scheduled for spring of 2020. The original engineering estimate was $50,000.

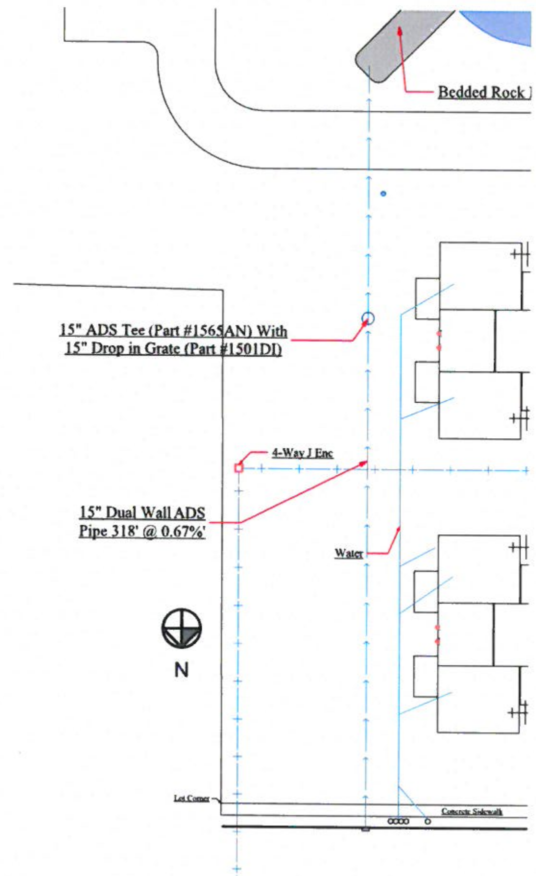
Cause of problem: No definable ditch to pond. Water backs up into the street.

Proposed solution: Extend the 15" diameter pipe from the road inlet to the pond.

Jeff Hornecker is currently developing this lot and is willing to provide the equipment and labor if the City purchases the material for the job.
He will also donate the easement necessary for maintenance of the pipe.
See attached sketch of proposed repair.

Materials Cost Estimate				
Material	Unit Price	Unit	Quantity	Price
15" Dual Wall ADS Pipe	$8.35	Foot	320	$2,672.00
Couplings	$16.69	Each	3	$50.07
15" ADS Tee	$1.95	Each	1	$1.95
15" Drop in Grate	$1.65	Each	1	$1.65
			Total	**$2,725.67**

EXHIBIT B - PAGE 2



UTILITIES 1" = 50'

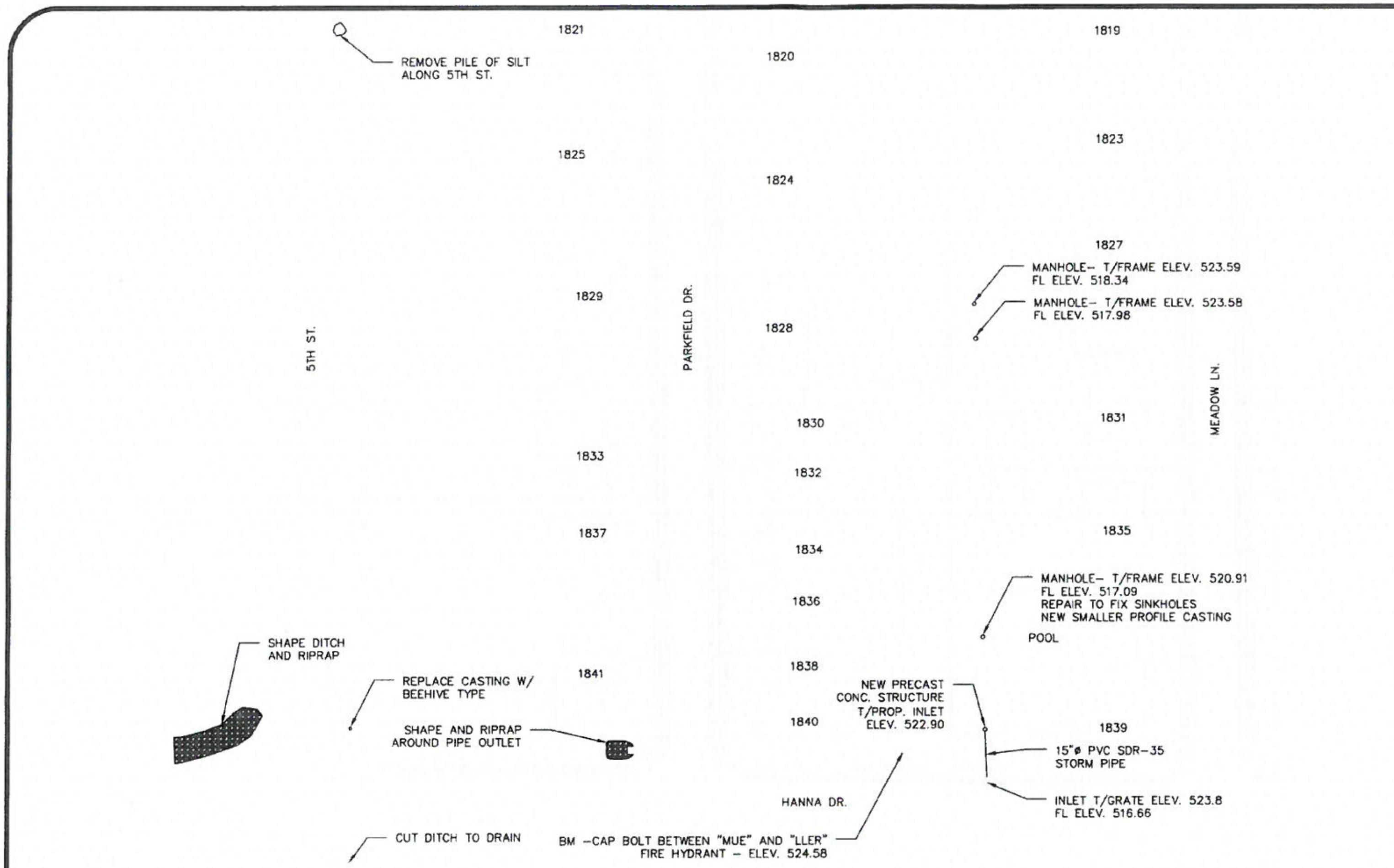
Hornecker Construction, Inc.
Designer/Builder & Remodeling
42 Oakhill Ct. Pekin, IL 61554

Phone: 309.353.3518 Cell:309.696.3349
Email: jeff.horn@outlook.com Web: www.horneckerconstruction.com

Hornecker Properties, LLC.
El Camino Fields
El Camino Dr.
Pekin, IL. 61554

Drawings By:
Jeffrey Hornecker

Date: 12/12/2018



CAUSE OF PROBLEM: NO OVERFLOW STRUCTURE OR PATH WAS BUILT INTO THE DETENTION POND AT 1839 MEADOW. AT SOME POINT IN THE PAST, 1835 AND 1831 MEADOW FILLED IN THE AREA THAT WAS PLANNED TO BE USED FOR DETENTION. WATER OVERFLOWS AT THE LOWEST POINT, WHICH IS BETWEEN THE HOUSES AT 1824 AND 1828 PARKFIELD.

PROPOSED SOLUTION: ADD AN OVERFLOW STRUCTURE IN THE DETENTION POND AT 1839 MEADOW LANE SO THAT THE WATER IN THE DETENTION POND DOES NOT REACH AN ELEVATION WHERE IT WOULD FLOW INTO THE YARDS ON PARKFIELD. SOLUTION WILL BE EFFECTIVE UNLESS THE PIPE ON HANNA DRIVE BECOMES OVER CAPACITATED.

ESTIMATED COST IF USE OUTSIDE CONTRACTOR: $15,000

ESTIMATED MATERIAL COST IF USE STREET DEPARTMENT: $3,000

PROPOSED SCHEDULE: FEBRUARY OR MARCH 2019

General Notes

1.

No.	Revision/Issue	Date

Pekin ILLINOIS

Project Name and Address

PARKFIELD DRAINAGE IMPROVEMENTS

Project: PARKFIELD DRAINAGE IMPROVEMENTS
Sheet: 1
Date: DECEMBER 17, 2018
1 of 1

EXHIBIT A

REQUEST FOR COUNCIL ACTION

To: Council Members

Date: January 9, 2019

From: Michael Guerra, City Engineer

AGENDA ITEM: MFT Resolution for Section 10-00179-00-TL

AGENDA DATE REQUESTED: January 14, 2019

ACTION REQUESTED: To approve the supplemental resolution 134-18/19 for Motor Fuel Tax (MFT) for Section 10-00179-00-TL in the amount of $7 dollars to closeout a signal/resurfacing project.

DESCRIPTION: During a Motor Fuel Tax (MFT) Review by the Illinois Department of Transportation, it was discovered that there was an error in the previous resolution for this project resulting in a difference of $7.00 between the amount of MFT funds spent and the amount of MFT funds allocated. Therefore this resolution is needed to correct the paperwork. A supplement resolution in the amount of $7 is needed to close this project for the State.

FINANCIAL IMPACT: none as this money has already been spent in a previous fiscal year. This is a correction to the paperwork.

NEIGHBORHOOD CONCERNS: none

IMPACT IF APPROVED: The project will be closed out for the MFT review.

IMPACT IF DENIED: The City would have to reimburse the MFT $7 for the amount already spent.

ALTERNATIVES: N/A

RELATED TO EFFICIENCY STUDY: N/A

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	
Department Directors and City Staff: Date:	
Finance Department (Certification of Availability of Funds)**:** Date:	
City Manager: Mark A. Rothert Mark A. Rothert, City Manager 1/9/2019 Date:	

Resolution 134-18/19 MFT Supplemental Resolution for Section 10-00179-00-TL

____
MAYOR

ATTEST:

____
CITY CLERK

Illinois Department of Transportation

Resolution for Improvement Under the Illinois Highway Code

Resolution Number	Resolution Type	Section Number
134-18/19	Supplemental	10-00179-00-TL

BE IT RESOLVED, by the Council (Governing Body Type) of the City (Local Public Agency Type) of Pekin (Name of Local Public Agency) Illinois that the following described street(s)/road(s)/structure be improved und the Illinois Highway Code. Work shall be done by Contract (Contract or Day Labor)

For Roadway/Street improvements:

Name of Street(s)/Road(s)	Length (miles)	Route	From	To
Court Street		IL 9	Olt Ave	Chestnut St. Tremont

For Structures:

Name of Street(s)/Road(s)	Existing Structure No.	Route	Location	Feature Crossed

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of

Resurfacing and two traffic signal modernized at IL 9 & Barney and IL 9 & Veterans.

2. That there is hereby appropriated the sum of seven Dollars ($7.00) for the improvement of said section from the Local Public Agency's allotment of Motor Fuel Tax funds.

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I, Sue McMillan (Name of Clerk) City (Local Public Agency Type) Clerk in and for said City (Local Public Agency Type) of Pekin (Name of Local Public Agency) in the State aforesaid, and keeper of the records and files thereof, as provided l statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by Council (Governing Body Type) of Pekin (Name of Local Public Agency) at a meeting held on January 14, 2019 (Date)

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this ______ (Day) day of ______ (Month, Year)

(SEAL)

Clerk Signature

Approved

Regional Engineer
Department of Transportation

Date

Attachment: 10-00179-00-TL MFT Resolution (1598 : MFT Resolution for Section 10-00179-00-TL)

Printed 01/09/19

BLR 09110 (Rev. 02/13/17)

REQUEST FOR COUNCIL ACTION

To: Council Members

Date: January 9, 2019

From: Michael Guerra, City Engineer

AGENDA ITEM: MFT Resolution for Section 75-00000-16-ES	
AGENDA DATE REQUESTED: January 14, 2019	
ACTION REQUESTED: To approve the Resolution 135-18/19 Motor Fuel Tax (MFT) for Section 75-00000-16-ES in the amount of $11,561.92 to close project for City's share of 2016 PPUATS membership.	
DESCRIPTION: During a Motor Fuel Tax (MFT) Fund review from the Illinois Department of Transpiration (IDOT), it was discovered that a MFT resolution was not passed for the use of MFT fund to pay for the City's share for the Peoria Pekin Urban Area Transportation Study (PPUATS) in 2016. Therefore, IDOT is allowing the City to pass a resolution to allocate MFT funding for this cost. This resolution is needed to close this project with the State.	
FINANCIAL IMPACT: none as this expense has already occurred in a previous fiscal year. This is to complete the paperwork necessary for IDOT.	
NEIGHBORHOOD CONCERNS: None	
IMPACT IF APPROVED: The resolution will allocate MFT funding for the City's portion of the local share for PPUATS.	
IMPACT IF DENIED: The City will have to reimburse the MFT Fund the amount of money already spent since a resolution was not passed.	
ALTERNATIVES: none	
RELATED TO EFFICIENCY STUDY: N/A	
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

Department Directors and City Staff:

Date:

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

City Manager:

Mark A. Rothert

Mark A. Rothert, City Manager 1/9/2019

Date:

Resolution 135-18/19 Motor Fuel Tax (MFT) Resolution for Section 75-00000-16-ES

____
MAYOR

ATTEST:

____
CITY CLERK

Illinois Department of Transportation

Resolution for Improvement Under the Illinois Highway Code

Resolution Number	Resolution Type	Section Number
135-18/19	Original	75-00000-16-ES

BE IT RESOLVED, by the Council (Governing Body Type) of the City (Local Public Agency Type) of Pekin (Name of Local Public Agency) Illinois that the following described street(s)/road(s)/structure be improved und the Illinois Highway Code. Work shall be done by Contract (Contract or Day Labor)

For Roadway/Street improvements:

Name of Street(s)/Road(s)	Length (miles)	Route	From	To
Engineering Study				

For Structures:

Name of Street(s)/Road(s)	Existing Structure No.	Route	Location	Feature Crossed

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of

Annual dues for PPUATS as part of the City share for the funding.

2. That there is hereby appropriated the sum of Eleven thousand five hundred sixty one dollars and ninety two cents Dollars ($11,561.92) for the improvement of said section from the Local Public Agency's allotment of Motor Fuel Tax funds.

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I, Sue McMillan (Name of Clerk) City (Local Public Agency Type) Clerk in and for said City (Local Public Agency Type) of Pekin (Name of Local Public Agency) in the State aforesaid, and keeper of the records and files thereof, as provided l statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by Council (Governing Body Type) of Pekin (Name of Local Public Agency) at a meeting held on January 14, 2019 (Date)

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this ____ (Day) day of ____ (Month, Year)

(SEAL)

Clerk Signature

Approved

Regional Engineer
Department of Transportation

Date

Attachment: 75-00000-16-ES MFT Resolution (1599 : MFT Resolution for Section 75-00000-16-ES)

REQUEST FOR COUNCIL ACTION **To: Council Members** **Date: January 9, 2019** **From: Michael Guerra, City Engineer**
AGENDA ITEM: MFT Resolution for Section 03-00170-00-TL
AGENDA DATE REQUESTED: January 14, 2019
ACTION REQUESTED: To approve Resolution 136-18/19 Motor Fuel Tax (MFT) for Section 03-00170-00-TL in the amount of $37,800 to close project for funds allocated to match amount previously expended.
DESCRIPTION: During a recent Illinois Department of Transportation (IDOT) Motor Fuel Tax (MFT) review, it was discovered that a previous IDOT review had an error. After correcting the previous review's mistake, it was noted that Section 03-00170-00-TL needed $37,800 of MFT funds allocated to balance the amount previously spent. Therefore this resolution is to allocate the $37,800 of MFT funds so that this project can be properly closed out for the State.
FINANCIAL IMPACT: There is no financial impact as these funds were expended in a previous fiscal year. This resolution is to properly allocate MFT funding so this project can be closed for the State.
NEIGHBORHOOD CONCERNS: none
IMPACT IF APPROVED: The MFT resolution will be approved which will allow MFT funds to be allocated to match the amount previous expended.
IMPACT IF DENIED: The MFT resolution will not be approved which will not allow MFT funds to be allocated. Therefore the City will have to reimburse the MFT account the $37,800.
ALTERNATIVES: N/A
RELATED TO EFFICIENCY STUDY: N/A
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	
Department Directors and City Staff: Date:	
Finance Department (Certification of Availability of Funds)**:** Date:	
City Manager: Mark A. Rothert Mark A. Rothert, City Manager 1/9/2019 Date:	

Resolution 136-18/19 Motor Fuel Tax (MFT) Resolution for Section 03-00170-00-TL

____
MAYOR

ATTEST:

____
CITY CLERK

Illinois Department of Transportation

Resolution for Improvement Under the Illinois Highway Code

Resolution Number	Resolution Type	Section Number
136-18/19	Original	03-00170-00-TL

BE IT RESOLVED, by the Council (Governing Body Type) of the City (Local Public Agency Type) of Pekin (Name of Local Public Agency) Illinois that the following described street(s)/road(s)/structure be improved und the Illinois Highway Code. Work shall be done by Contract (Contract or Day Labor)

For Roadway/Street improvements:

Name of Street(s)/Road(s)	Length (miles)	Route	From	To
14th Street			Court St	Park

For Structures:

Name of Street(s)/Road(s)	Existing Structure No.	Route	Location	Feature Crossed

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of

Reconstruction and signals for the intersection of 14th and Park St.

2. That there is hereby appropriated the sum of thirty seven thousand and eight hunderd Dollars ($37,800.00) for the improvement of said section from the Local Public Agency's allotment of Motor Fuel Tax funds.

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I, Sue McMillan (Name of Clerk) City (Local Public Agency Type) Clerk in and for said City (Local Public Agency Type) of Pekin (Name of Local Public Agency) in the State aforesaid, and keeper of the records and files thereof, as provided I statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by Council (Governing Body Type) of Pekin (Name of Local Public Agency) at a meeting held on January 14, 2019 (Date)

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this ______ (Day) day of ______ (Month, Year)

(SEAL)

Clerk Signature

Approved

Regional Engineer
Department of Transportation

Date

Printed 01/09/19

BLR 09110 (Rev. 02/13/17)

Attachment: 03-00170-00-TL MFT Resolution (1600 : MFT Resolution for Section 03-00170-00-TL)

REQUEST FOR COUNCIL ACTION

To: Council Members

Date: January 9, 2019

From: Bruce Marston, Assistant

AGENDA ITEM: Policy No. 21-18/19 - Procurement	
AGENDA DATE REQUESTED: January 14, 2019	
DISCUSSION NO ACTION TO BE TAKEN: Policy No. 21-18/19 - Establishing the City of Pekin Procurement Policy.	
DESCRIPTION: The purpose of this Procurement 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 or services for all City Departments despite purpose, funding source, or dollar amount. The Code of the City of Pekin 1995 Title 1, Chapter 9, Section 7 Contract for Public Improvement will be deleted to allow for this all-inclusive Procurement Policy.	
FINANCIAL IMPACT: None	
NEIGHBORHOOD CONCERNS: N/A	
IMPACT IF APPROVED: The City will have updated guidance on making purchases	
IMPACT IF DENIED: Existing policy will remain in effect	
ALTERNATIVES: N/A	
RELATED TO EFFICIENCY STUDY: N/A	
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

Department Directors and City Staff:

Date:

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

Bruce Q Marston

Bruce Q Marston, Assistant 1/9/2019

Date:

City Manager:

Mark A. Rothert

Mark A. Rothert, City Manager 1/9/2019

Date:

Policy No. 21-18/19 City of Pekin Procurement Policy

____

MAYOR

ATTEST:

____

CITY CLERK

CITY of PEKIN

PROCUREMENT POLICY

January 14, 2019

TABLE OF CONTENTS

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's 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 congruence 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 Purchasing Agents shall review all proposed procurements to avoid unnecessary or duplicative purchases of equipment, supplies and services. Purchasing Agents shall also ensure that competition is not restricted with limits on the geographic location of vendors, with unreasonable requirements or qualifications placed on vendors, or by allowing vendors to be selected who have engaged in noncompetitive pricing practices.

PURCHASING THRESHOLDS

Incidental Purchases. Employees who have been designated to act as Purchasing Agents may make purchases of up to $5,000 without prior approval, provided those purchases are limited to the amount of the budget authorized by the City of Pekin. 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. Employees who have been designated to act as Purchasing Agents may make purchases with a value between $5,000 and $10,000 only with prior approval of their Department Head and are limited to the amount of the budget authorized by the City of Pekin. Minor Purchases fall under the "Small Purchase "procurement method and competitive quotes from at least two vendors should be obtained whenever possible. 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 $25,000 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 competition is not restricted with limits on the geographic location of vendors, with unreasonable requirements or qualifications placed on vendors or bidders, or by allowing vendors to be selected who have engaged in noncompetitive pricing practices.

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.

Large purchases with a value over $25,000 must follow the competitive proposals 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 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 congruence 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 congruence 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 congruence 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 females 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.

Supply Purchase. In congruence with 65 ILCS 5/8-9-2, the City by ordinance may require competitive bidding for all supplies needed for use 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 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 or the 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. Awards shall be made to the bidder whose bid or offer is responsive to the solicitation and is advantageous to the recipient, price, quality and other factors considered. Solicitations shall clearly set forth all requirements that the bidder shall fulfill in order for the bid or offer to be evaluated by the City. Any and all bids or offers may be rejected when it is in the City's interest to do so.

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. Per 30 ILCS 525, 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.
  - iii) 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. In certain circumstances, contracts with certain parties are restricted by agencies' implementation of 'Debarment and Suspension' [barred from receiving federal funds].

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 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 1961 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 normal 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.

REQUEST FOR COUNCIL ACTION

To: Council Members

Date: January 8, 2019

From: Sue McMillan, City Clerk

Sue McMillan, City Clerk

AGENDA ITEM: Amend Animal Code annual registration May 1st	
AGENDA DATE REQUESTED: January 14, 2019	
ACTION REQUESTED: Adopt Ordinance No. 2810-18/19 amending City Code for annual registration of dangerous/vicious animals from April 1 to May 1.	
DESCRIPTION: the Animal Code of the City requires annual registration of animals found to be dangerous or vicious on April 1 of each year. To coincide with the City of Pekin Fiscal Year, the finance department recommends that the April 1 provision be changed to May 1.	
FINANCIAL IMPACT: none	
NEIGHBORHOOD CONCERNS: none	
IMPACT IF APPROVED: report for annual registration fee would end April 30th of each year for better tracking.	
IMPACT IF DENIED: Registration would remain by April 1st of each year.	
ALTERNATIVES: none	
RELATED TO EFFICIENCY STUDY: n/a	
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.
X	**An Effective Government.** To deliver effectively the services that Pekin's residents want, need, and are willing to support.
REQUIRED SIGNATURES	
Department Directors and City Staff: Date:	
Finance Department (Certification of Availability of Funds)**:** Date:	
City Manager: Mark A. Rothert Mark A. Rothert, City Manager 1/9/2019 Date:	

An Ordinance Amending Title 6, Chapter 3, Section 10, Subsection (h) (1) and Section 11, Subsection (l) (1) of the Animal Code of the City of Pekin 1995 Regarding Dangerous and Vicious Dogs/Cats

<Insert Ordinance Legislation>

____

MAYOR

ATTEST:

____

CITY CLERK

2810-18/19
ORDINANCE NO. _______________

AN ORDINANCE AMENDING TITLE 6, CHAPTER 3, SECTION 10, SUBSECTION (h) (1) AND SECTION 11, SUBSESCTION (l) (1) OF THE ANIMAL CODE OF THE CITY OF PEKIN 1995 REGARDING DANGEROUS AND VICIOUS DOGS/CATS

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

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

WHEREAS, the provisions in Title 6, Chapter 3, Sections 10 and 11 have been reviewed regarding the annual registration of dogs/cats deemed dangerous and of dogs/cats deemed vicious; and

WHEREAS, the City of Pekin fiscal year begins on May 1st of each year and ends on April 30th of each year; and

WHEREAS, the City Council has determined that it is in the best interests of the City to adopt said ordinance to amend the City Code language for annual registration of dangerous dogs/cats and vicious dogs/cats to occur by May 1 of each year.

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

1. That Title 6, Chapter 3, Section 10, Subsection (h) (1) be amended by deleting the word April and replacing it with the word May
2. That Title 6, Chapter 3, Section 10, Subsection (l) (1) be amended by deleting the word April and replacing it with the word May

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

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this ___ day of ______________, 2019; and upon roll call the vote was as follows:

AYES: ______________

NAY ______________

ABSENT: ______________

ABSTAINING: ______________

APPROVED this ___ day of ______________, 2019

____
MAYOR

ATTEST:

____
CITY CLERK

(g) If the Hearing Officer or his designee determines that a dog/cat is dangerous at the conclusion of a hearing conducted under section 6-3-10(d), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared dangerous.

(h) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a dangerous dog/cat unless the person meets the following requirements within two (2) weeks of final finding:

(1) Registration of dangerous dogs/cat. The owner shall register a dangerous dog/cat within two weeks of the dog/cat being declared dangerous unless a hearing has been requested, during which time these requirements are stayed. The dog/cat must be registered by May 1 of each year thereafter. The dog/cat shall be registered with the city clerk. The cost of each registration shall be two hundred dollars ($200.00).
(Ord. No. 2810-18/19 01-14-19)

(2) Insurance. The owner of a dangerous dog/cat shall present to the City Clerk proof that he/she has procured liability insurance or a surety bond in the amount of not less than fifty thousand dollars ($50,000.00) covering any damage or injury that may be caused by such dangerous dog/cat. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog/cat. The dog/cat owner shall sign a statement attesting that he/she shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.

(3) Permanent identification. Each dangerous dog/cat shall be injected by the Animal Control Warden or a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.

(4) Transfer of ownership. The owner of a dangerous dog/cat shall not transfer ownership of such animal to any other person without first providing the City Clerk and the Animal Control Warden with the name and address of the new owner.

(5) Spaying or Neutering: If deemed dangerous, the owner shall be ordered to have the dog/cat spayed or neutered within 14 days at the owner's expense.

(6) Evaluation: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat undergo an evaluation by a certified behaviorist or other recognized specialist in this field, and subsequently complete treatment or training deemed appropriate by the expert. Such costs associated with the above evaluation and treatment/training to be the responsibility of the owner of the dog/cat.

(g) If the Hearing Officer or his designee determines that a dog/cat is dangerous at the conclusion of a hearing conducted under section 6-3-10(d), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared dangerous.

(h) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a dangerous dog/cat unless the person meets the following requirements within two (2) weeks of final finding:

(1) Registration of dangerous dogs/cat. The owner shall register a dangerous dog/cat within two weeks of the dog/cat being declared dangerous unless a hearing has been requested, during which time these requirements are stayed. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the city clerk. The cost of each registration shall be two hundred dollars ($200.00).

(2) Insurance. The owner of a dangerous dog/cat shall present to the City Clerk proof that he/she has procured liability insurance or a surety bond in the amount of not less than fifty thousand dollars ($50,000.00) covering any damage or injury that may be caused by such dangerous dog/cat. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog/cat. The dog/cat owner shall sign a statement attesting that he/she shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.

(3) Permanent identification. Each dangerous dog/cat shall be injected by the Animal Control Warden or a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.

(4) Transfer of ownership. The owner of a dangerous dog/cat shall not transfer ownership of such animal to any other person without first providing the City Clerk and the Animal Control Warden with the name and address of the new owner.

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(6) Evaluation: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat undergo an evaluation by a certified behaviorist or other recognized specialist in this field, and subsequently complete treatment or training deemed appropriate by the expert. Such costs associated with the above evaluation and treatment/training to be the responsibility of the owner of the dog/cat.

(3) Previous aggressive history of the dog/cat;

(4) Observable behavior of the dog/cat;

(5) Site and circumstances of the incident;

(6) Statements from interested parties;

(7) Any medical records; and,

(8) Veterinary medical records or behavioral records.

(k) If the Hearing Officer or his designee determines that a dog/cat is vicious at the conclusion of a hearing conducted under section 6-3-11(j), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared dangerous.

(l) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a vicious dog/cat unless the person meets the following requirements within ten days of final finding:

(1) Registration of vicious dogs/cats. The owner shall register a vicious dog/cat within two weeks of the dog being declared vicious. The dog/cat must be registered by May 1 of each year thereafter. The dog/cat shall be registered with the City Clerk. The cost of each registration shall be two hundred fifty dollars ($250.00). (Ord. No. 2810-18/19 01-14-19)

(2) Insurance. The owner of a vicious dog/cat shall present to the City Clerk proof that he/she has procured liability insurance or a surety bond in the amount of not less than one hundred thousand dollars ($100,000.00) covering any damage or injury that may be caused by such vicious dog/cat. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a vicious dog/cat. The dog/cat owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.

(3) Permanent identification. Each vicious dog/cat shall be injected by the Animal Control Warden or qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.

(4) Transfer of ownership. No owner or keeper of a vicious dog/cat shall sell or give away a vicious dog/cat.

(5) Enclosure. No person shall own, keep or maintain a vicious dog/cat in an exterior area unless such dog/cat is at all times kept in an

(3) Previous aggressive history of the dog/cat;

(4) Observable behavior of the dog/cat;

(5) Site and circumstances of the incident;

(6) Statements from interested parties;

(7) Any medical records; and,

(8) Veterinary medical records or behavioral records.

(k) If the Hearing Officer or his designee determines that a dog/cat is vicious at the conclusion of a hearing conducted under section 6-3-11(j), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared dangerous.

(l) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a vicious dog/cat unless the person meets the following requirements within ten days of final finding:

(1) Registration of vicious dogs/cats. The owner shall register a vicious dog/cat within two weeks of the dog being declared vicious. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the City Clerk. The cost of each registration shall be two hundred fifty dollars ($250.00).

(2) Insurance. The owner of a vicious dog/cat shall present to the City Clerk proof that he/she has procured liability insurance or a surety bond in the amount of not less than one hundred thousand dollars ($100,000.00) covering any damage or injury that may be caused by such vicious dog/cat. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a vicious dog/cat. The dog/cat owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.

(3) Permanent identification. Each vicious dog/cat shall be injected by the Animal Control Warden or qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.

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REQUEST FOR COUNCIL ACTION

To: Council Members

Date: January 8, 2019

From: Sue McMillan, City Clerk

Bruce Marston, Assistant

AGENDA ITEM: Amend Code Title 3 Chapter 2 Sections 1-8

AGENDA DATE REQUESTED: January 14, 2019

ACTION REQUESTED: Adopt Ordinance 2809-18/19 amending a portion of the finance section of the Code with a comprehensive update for language consistency and provisions.

DESCRIPTION:

Staff recommends the following changes to the Title 3, Chapter 2, Sections 1-8:

- In order to ensure the equal burden of Home Rule taxes across all impacted retailers, Eliminate Title 3, Chapter 2, Section 4 in its entirety. This section of the code establishes the Rebate of Home Rule Taxes on Certain Sales. Eligibility for the rebate applies to the sale of individual items with a selling price exceeding $1,000 per item. There are a very limited number of businesses eligible for the rebate and only three to four businesses apply for the rebate each year, with one retailer receiving the majority of rebates issued.
- In order to establish uniform penalties across all taxes imposed in Title 3, Chapter 2, amend Title 3, Chapter 2, Section 5 (D)(iii) and Section 5 (D)(iii)(a), to change the penalties to 10% for the first three months of delinquency and to include failure to provide required supporting documentation along with the return as a penalty.
- In order to provide a more accurate description of the items addressed in Title 3, Chapter 2, Section 6(B), Change the heading of “Tax” to include the wording “Imposed and Exemptions”.
- In order to establish uniform penalties across all taxes imposed in Title 3, amend Title 3, Chapter 2, Section 6(F)(iii) and Section 6(F)(iii)(a), to change the penalties to 10% for the first three months of delinquency and to include failure to provide required supporting documentation along with the return as a penalty.
- In order to establish uniform penalties across all taxes imposed in Title 3, amend Title 3, Chapter 2, Section 7(Section 8), to change the penalties to 10% for the first three months of delinquency and to include failure to provide required supporting documentation along with the return as a penalty.
- In order to establish uniform penalties across all taxes imposed in Title 3, amend Title 3, Chapter 2, Section 8(Section 8), to change the penalties to 10% for the first three months of delinquency and to include failure to provide required supporting documentation along with the return as a penalty.

• **FINANCIAL IMPACT:** Eliminating Title 3, Chapter 2, Section 4 would result in a savings to the City of Pekin of over $25,000.00 for the remainder of this fiscal year and over $50,000.00 per year going forward. In fiscal year 2018 the City paid out $50,987.20 in rebates and $44,000.00 is budgeted for FY 2019. To date $22,937.27 has been paid out in FY 2019. • Making all penalties across Title 3, Chapter 2 uniform would only result in a slight increase in revenue, but would more importantly provide equitable treatment across retailers and service providers and also create efficiencies in the imposition and collection of the penalties.	
NEIGHBORHOOD CONCERNS: N/A	
IMPACT IF APPROVED: Corrections and changes in Title 3, Chapter 2, Sections 1-8 would be codified.	
IMPACT IF DENIED: Inconsistencies and ambiguities would still exist within the Code.	
ALTERNATIVES: None.	
RELATED TO EFFICIENCY STUDY: N/A	
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.
X	**An Effective Government.** To deliver effectively the services that Pekin's residents want, need, and are willing to support.
REQUIRED SIGNATURES	
Department Directors and City Staff:	

Date:
Finance Department (Certification of Availability of Funds)**:** Date:
City Manager: Date:

Ordinance No. 2809-18/19 An Ordinance Amending Title 3, Chapter 2, Sections 1-8 of the Code of the City of Pekin 1995 Regarding Municipal Taxation

____
MAYOR

ATTEST:

____
CITY CLERK

2809-18/19
ORDINANCE NO. ______________

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, SECTIONS 1-8
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING MUNICIPAL TAXATION**

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

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

WHEREAS, the provisions in Title 3, Chapter 2, Sections 1-8 have been reviewed by the Finance Department regarding taxation; and

WHEREAS, the City Council has determined that it is in the best interests of the City to adopt said ordinance to amend the City Code language regarding taxation

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

1. That Title 3, Chapter 2, be amended by deleting Sections 1-8 in their entirety and replacing Sections 1-8 with attached Exhibit A.

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

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this ___ day of ______________, 2019; and upon roll call the vote was as follows:

AYES: ______________

NAY ______________

ABSENT: ______________

ABSTAINING: ______________

APPROVED this ___ day of _______________, 2019

____
MAYOR

ATTEST:

____
CITY CLERK

EXHIBIT A

CHAPTER 2

MUNICIPAL TAXATION

SECTION:

3-2-1: **HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX:**

A. Tax Imposed: A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in this municipality at the rate of 1 1/4% of the gross receipts from such sales made in the course of such business in accordance with the terms, conditions and limitations of Chapter 65, Illinois Consolidated Statutes, Section 5/8-11-1. (Ord. No. 2465 03/27/06)

3-2-2: **HOME RULE MUNICIPAL SERVICE OCCUPATION TAX:**

A. Tax Imposed: A tax is hereby imposed upon all persons engaged in the business of making sales of service at the rate of 1 1/4% of the selling price of all tangible personal property transferred by such servicemen, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service in accordance with the terms, conditions and limitations of Chapter 65, Illinois Consolidated Statutes, Section 5\8-11-5. (Ord. No. 2465 03/27/06)

3-2-3: **MUNICIPAL USE TAX:**

A. Tax Imposed: A tax is hereby imposed in accordance with provisions of paragraph 8-11-6 of the Illinois Municipal Code (65 ILCS) upon the privilege of using in the City any item of tangible personal property which is purchased at retail from a retailer, and which is titled or registered with an agency of Illinois government. This tax shall be at rate of one percent (1 1/4%) of the selling price of such tangible personal property with "selling price" to have the meaning as defined in the "Use Tax Act", approved July 14, 1955, as amended. Such tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the City. (Ord. No. 2465 03/27/06)

B. Collection by State; When Due: Such tax shall be collected by the Illinois Department of Revenue for the City and shall be paid before the title or certificate of registration for the personal property is issued.

3-2-4: MOTOR FUEL TAX:

A. TITLE. This Ordinance shall be known and cited as the Motor Fuel Tax Ordinance of the City of Pekin, Illinois.

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

(i) “BULK USER”. Any person who purchases motor fuel for storage in bulk storage facilities located within the City, which facilities are owned, leased, or controlled by the person, for subsequent dispensing into the supply tanks or internal combustion engines operated by the person.

(ii) “GASOHOL”. A fuel used chiefly in internal combustion engines which is comprised chiefly of gasoline and ethyl alcohols in variable quantities.

(iii) “GASOLINE” or “DIESEL FUEL”. A volatile, highly flammable or combustible, liquid mixture of hydrocarbons produced by the fractional distillation of petroleum and used chiefly as a fuel in internal combustion engines, but shall not include mixtures commonly known as kerosene and aviation fuel, or mixtures used in the heating of buildings.

(iv) “MOTOR FUEL”. Gasohol and gasoline and diesel fuel as defined in this section.

(v) “PERSON”. Any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, contractor, supplier, vendor, vendee, operator, user or owners, or any officer, agents, employees, or other representative, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular, or plural is included in any circumstances.

(vi) “RETAIL GASOLINE DEALER”. Any person who engages in the business of selling motor fuel in the City, to a purchaser for use or consumption and not for resale in any form.

(vii) “SALE”, “RESALE” and “SELLING”. Any transfer of ownership or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a valuable consideration.

(viii) E-85 Blend Fuel: A fuel consisting of 85% ethanol and 15% gasoline.
(Ord. No. 2459 02/27/06)

C. TAX IMPOSED AND EXEMPTIONS

(i) There is levied and imposed upon the purchase of each gallon of motor fuel, or fraction thereof sold at retail within the corporate limits of the City, irrespective of the unit of measure in which it is actually sold, a tax at the rate of ($.04) per gallon, except on the retail sale of E-85, which shall be exempt from the ($.04) per gallon tax until December 31, 2009. The tax herein levied shall be paid in addition of any and all other taxes and charges, but such other taxes and charges shall not be construed as part of the purchase price upon which the tax herein is levied. (Ord. No. 2459 02/27/06)

(ii) The ultimate incident of and liability for payment of the tax is to be borne by the retail purchaser of motor fuel. Nothing in this Article shall be construed to impose a tax upon the occupation of persons engaged in the retail sale of motor fuel.

(iii) It shall be the duty of every retail gasoline dealer to secure the tax from the purchaser at the time the dealer collects the purchase price for the motor fuel and to pay over the tax to the Finance Department as provided in this Article except in the case of a sale to a bulk user, in which case the bulk user shall pay over the tax to the Department as provided in this Article.

(iv) A retail gasoline dealer may make tax free sales with respect to which he is otherwise required to collect the tax when the sale is made to the federal government, the State of Illinois, any municipality, or unit of local government as those terms are defined by Section I of Article VII of the Constitution of the State of Illinois of 1970, or any school district.

D. TAX AND REPORT TRANSMITTAL.

(i) Every retail gasoline dealer shall transmit to the Treasurer, or the City Clerk, at the Manager's discretion for receipt by the Department no later than the last day of each calendar month, a sum of money equal to the amount of motor fuel tax collected for the preceding calendar month, accompanied by a report upon forms supplied by the Treasurer, or the City Clerk, at the Manager's discretion, indicating the gross gallons of motor fuel sold for the preceding calendar month, and such other information as the Treasurer, or the City Clerk, at the Manager's discretion may require for enforcement of this Article. (Ord. No. 2568-08/09 10-14-08)

(ii) Every bulk user shall transmit to the Finance Department for receipt by the Department, no later than the last day of each calendar month, a sum of money equal to the amount of motor fuel tax owning for the preceding calendar month, accompanied by a report upon forms supplied by the Finance Department indicating the gross gallons of motor fuel purchased for the preceding calendar month, and such other information as the Department may require for enforcement of this Article.

(iii) In case any person who is required under this article to file a tax return to the City fails to file a return when and as required under this article, such person shall pay to the City, in addition to the amount of tax required to be transmitted, a penalty of ten percent (10%) per 30 day period, of the tax that such person is required to transmit to the City for the first three months of delinquency, provided, however, a 20 percent penalty shall be imposed for any fraudulent failure to transmit such tax. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties.

(a) In case any person who is required under this article to file a tax return to the City files a return at the time required but fails to transmit the tax proceeds, or any portion thereof to the City when due, a penalty of ten percent (10%) of the amount of tax not transmitted to the City shall be added thereto, for the first three months of delinquency, provided, however, the fraudulent failure to pay such tax shall result in a 20 percent penalty. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties.

(b) In addition to any penalty for which provision is made in this article, any amount of tax not transmitted when due shall bear interest at the rate of two percent per month, or fraction thereof, until fully transmitted.

(iv) Any officer or employee of any corporation which is an owner subject to the provisions of this article who has the control, supervision or responsibility of collecting tax proceeds, filing returns and transmitting collected tax proceeds of the tax imposed by this article and who willfully fails to file such return or to transmit any tax proceeds so collected to the City shall be personally liable for any such amounts collected, including interest and penalties thereof, if after proper proceedings for the collection of such amount such corporation is unable to pay such amounts to the City, and the personal liability of such officer or employee, as provided in this article, shall survive dissolution of the corporation. For purposes of this subsection, a person willfully fails to act if he takes any conscious and voluntary action intending not to perform any of his obligations hereunder, including, but not limited to, the utilizing of tax proceeds collected for the City to pay any other corporation obligations.

E. RECORDS; INSPECTION.

(i) Every retail gasoline dealer shall keep complete and accurate records, including a daily sheet showing the gross gallons of motor fuel sold for each day, and the amount of motor fuel tax collected on each day.

(ii) Every bulk user shall keep complete and accurate records of purchases of motor fuel, including the dates of the purchases, the gross gallons purchased on each of the dates, and the names and addresses of the retail gasoline dealers from whom each of the purchases were made.

(iii) For the purpose of administering and enforcing this Article, the Finance Department shall have the right to inspect all books, records and reports of retail gasoline dealers and bulk users during their normal business hours.

F. MOTOR FUEL TAX FUNDS.

(i) The Finance Department shall deliver the proceeds of the motor fuel tax imposed by this article to the City Treasurer for deposit into a separate fund to be designated as the "Motor Fuel Tax Fund". The City Treasurer shall deposit investment earnings and other monies including penalties credited to the motor fuel tax fund into the fund.

(ii) Said fund shall be specifically designated for the express purpose of capital improvements, including street construction and rehabilitation, curb and gutter work, storm sewer, sidewalk and other street-related improvements. By a majority vote of the corporate authorities, the funds may be pledged by the City to be used for capital improvement as defined in this section.

G. COLLECTION. Whenever any person shall fail to pay any tax as provided in this article, the Corporation Council shall, upon the request of the Treasurer, bring or cause to be brought an action to enforce the payment of such tax on behalf of the City in any court of competent jurisdiction. (Ord. No. 2568-08/08 10-14-08)

H. PENALTY FOR VIOLATION.

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

(ii) Repeated offenses in excess of three within any 180 day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months. A separate and distinct offense shall be regarded as committee each day upon which such person shall continue any such violation or permit any such violation to exist after notification thereof.

I. EFFECTIVE DATE. The motor fuel tax shall be levied, imposed and collected commencing May 1, 1996.

3-2-5: HOTEL/MOTEL USE TAX. (Ord. No. 2024 03-25-96)

A. DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(i) Hotel or motel means a structure kept, used or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment-hotel, lodging house, dormitory or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

(ii) Hotel room or motel room means a room within a structure kept, used or maintained as or advertised or held out to the public to be in an inn, motel, hotel, apartment-hotel, lodging house, dormitory or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, with or without meals. One room offered for rental, with or without an adjoining bath, shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the bases of those rooms utilized for the purpose of sleeping.

(iii) Owner means any person having a sufficient proprietary interest in conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room so as to entitle such person to all or a portion of the net receipts thereof.

(iv) Person means any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agent, governmental corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights or duties.

B. TAX IMPOSED AND EXEMPTIONS.

(i) There is hereby levied and imposed upon the use and privilege of renting a hotel or motel room within the City a tax of five (5%) percent of the rental or leasing charge for each such hotel and motel room rented for each 24-hour period or any portion thereof; provided, however, that the tax shall not be levied and imposed upon any person who works and lives in the same hotel or motel. (Ord. No. 2272 11-13-01) (Ord No. 2398 11-22-04)

The tax shall not be levied and imposed upon any person that rents a hotel or motel room for use by the same natural person or persons for more than 30 consecutive days, the tax imposed herein applicable to the first 30 days of a hotel room rental which extends beyond 30 days. Upon the 31st consecutive day of rental, the renter is due a refund or credit from the tax collector for the 30 consecutive days of tax paid. Persons engaged in the business of renting, leasing or letting rooms in a hotel only to permanent residents are exempt from the provisions of this article. (Ord. No. 2583-09/10 05-11-09)

(ii) The ultimate incident of and liability for payment of such tax shall be borne by the person who seeks the privilege of occupying any such hotel or motel room, such person thereinafter referred to as “renter”.

(iii) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner, manager or operator of every hotel or motel to act as trustee for and on account of the City, and to secure such tax from the renter of the hotel or motel room and pay over to the Finance Director or as otherwise provided in this article.

(iv) Every person required to collect the tax levied by this article shall secure such tax from the renter at the time he collects the rental payment for the hotel or motel room. Upon the invoice receipt or other statement or memorandum, if the rent is given to the renter at the time of payment, the amount due under the tax provided in this article shall be stated separately on such documents.

C. RULES AND REGULATIONS. The Finance Director may promulgate rules and regulations not inconsistent with the provisions of this article concerning enforcement and application of this article. The term “rules and regulations” includes, but not limited to, case-by-case determination of whether or not the tax imposed by this article applies.

D. LICENSE REQUIRED.

(i) It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained, upon any property owned or controlled by him a hotel or motel within the City without having first obtained a license therefor from the City Clerk or without complying with all provisions of this article.

(ii) No license shall be issued or annually renewed for a hotel or motel delinquent in payment of the use and privilege tax or the payment of any fines and/or penalties assessed for the non-payment or late payment thereof.

(iii) The annual fee for such license for a hotel or motel shall be $10.00. The license shall be valid for one year.

E. BOOKS AND RECORDS. The Finance Director, or any person certified as his deputy or representative, may enter the premises of any hotel or motel for inspection and examination of books and records in order to effectuate the proper administration of this article and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the Finance Director or his duly authorized deputy or representative in the discharge of his duties and the performance of this article. It shall be the duty of every owner to keep accurate and complete books and records to which the Finance Director or his deputy or authorized representative shall at all times have access, which records shall include a daily sheet showing:

(i) The number of hotel or motel rooms rented during the 24-hour period, including multiple rentals of the same hotel rooms where such shall occur; and
(ii) The actual hotel or motel tax receipts collected for the date in question.

F. TRANSMITTAL OF TAX REVENUE.

(i) The owner of each hotel or motel room within the City shall file tax returns showing tax receipts received with respect to each hotel and motel room during each monthly period commencing on May 1, 1996, and continuing on the first day of every month thereafter on forms prescribed by the Finance Director. The return shall be due on or before the 30th day of the calendar month succeeding the end of the monthly filing period. Such owner shall file an application with the city finance department for a city taxpayer identification number prior to filing the first tax return. (Ord. No. 2052 08-31-96) (Ord No. 2662 07-09-12 effective 09-01-12)

(ii) The first taxing period for the purpose of this article shall commence on May 1, 1996; and the tax return and payment for such period shall be due on or before June 30, 1996. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this article. At the time of filing such tax returns, the owner shall pay to the Finance Department all taxes due for the period to which the tax return applies.

(iii) In case any person who is required under this article to file a tax return to the City fails to file a return when and as required under this article, such person shall pay to the City, in addition to the amount of tax required to be transmitted, a penalty of ten percent (10%) per 30 day period, of the tax that such person is required to transmit to the City, for the first three months of delinquency, provided, however, a twenty (20%) percent penalty shall be imposed for any fraudulent failure to transmit such tax. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties.

(a) In case any person who is required under this article to file a tax return to the City files a return at the time required but fails to transmit the tax proceeds, or any portion thereof, to the City when due, a penalty of ten percent (10%) per 30 day period, of the amount of tax not transmitted to the City, for the first three months of delinquency, shall be added thereto; provided, however, the fraudulent failure to pay such tax shall result in a twenty (20%) percent penalty. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties.

(b) In addition to any penalty for which provision is made in this article, any amount of tax not transmitted when due shall bear interest at the rate of two (2) percent per month, or fraction thereof, until fully transmitted.

(c) In addition to any of the previous penalties above set forth, any person who is required under this Article to file a return and to transmit the tax proceeds, but fails to do so in a timely manner, shall be ineligible for any reimbursement of funds from the City if they were in arrears at the time the event for which reimbursement is sought occurs; or if they have been in arrears for any amount of time, on two or more occasions in the previous preceding twelve months from when application for reimbursement was made. (Ord. No. 2568-08/09 10-14-08)

(iv) Any officer or employee of any corporation which is an owner subject to the provisions of this article who has control, supervision or responsibility of collecting tax proceeds, filing returns and transmitting collected tax proceeds of the tax herein imposed by this article and who willfully fails to file such return or to transmit any tax proceeds so collected to the City shall be personally liable for such amounts collected, including interest and penalties thereon, if after proper proceedings for the collection of such amount, such corporation is unable to pay such amounts to the City; and the personal liability of such officer or employee, as provided in this article, shall survive dissolution of the corporation. For purposes of this sub-section, a person willfully fails to act if he takes any conscious and voluntary action intending not to perform any of his obligations hereunder, including, but not limited to, the utilizing of tax proceeds collected for the City to pay any other corporation obligations.

(v) The person filing such return shall attach thereto a copy of its Illinois Retailer's Sales and Use Tax or Hotel Operator's Tax returns for the month for which a return is made under this article.

G. COLLECTION. Whenever any person shall fail to pay any tax as provided in this article, the Corporation Council shall, upon the request of the Treasurer, bring or cause an action to enforce the payment of such tax on behalf of the City in any court of competent jurisdiction. (Ord. No. 2568-08/09 10-14-08)

H. PROCEEDS OF TAXES AND FINES. All proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid into the city treasury and shall be credited to and deposited in the corporate fund of the City. Such proceeds shall be used exclusively for the promotion of tourism and conventions within the city or to attract overnight non-resident visitors to the City. No Hotel/Motel tax funds received by the City shall be used to advertise for or otherwise promote new competition in the hotel business. (Ord. No 2398 11-22-04)

I. SUSPENSION OF LICENSES. If the Mayor, after hearing held by or for him, shall find that any person has willfully avoided payment of the tax imposed by this article, or any fines and\or penalties assessed for the non-payment or late payment of such tax, he may suspend or revoke all city licenses held by such tax evader. The owner, manager or operator of the hotel or motel shall have an opportunity to be heard at such hearing to be held not less than five days after notice of the time and place of the hearing to be held, addressed to him at his last known place of business.

J. PENALTIES.

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

(ii) Repeated offenses in excess of three within any 180 day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months. A separate and distinct offense shall be regarded as committee each day upon which such person shall continue any such violation or permit any such violation to exist after notification thereof.

K. PURPOSES OF PENALTIES. The purpose of imposing the penalties provided for the violation of this article is to ensure the integrity of the collection process established pursuant to this article.

3-2-6: PACKAGE LIQUOR TAX

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

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

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

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

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

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

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

6. City: Means City of Pekin.

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

SECTION 4 - LIABILITY FOR PAYMENT.

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

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

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

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

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

SECTION 8 - FAILURE TO PAY, COLLECT, OR REMIT TAX. If for any reason any tax is not collected or remitted when due, a penalty at the rate of two (2) percent per month on the amount of tax which remains unremitted shall be added and collected. Additionally, a penalty of ten percent (10%) per 30 day period, of the tax that such person is required to transmit to the City, for the first three months of delinquency, shall be added thereto, provided, however, a twenty (20%) percent penalty shall be imposed for any fraudulent failure to transmit such tax. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties. Whenever any person shall fail to pay, collect, or remit any tax as herein provided, the Corporation Counsel upon the request of the City Manager shall bring or cause to be brought an action to enforce compliance in any court of competent jurisdiction. As compensation for services rendered in the collection and payment of this tax, retailers filing a tax return may retain an amount of money equal to one percent (1%) of the tax. (Ord. No. 2595-09/10 09-28-09)

SECTION 9 - RECORDS.

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 2578-09/10 02-24-09 Effective 05-01-09)

3-2-7: FOOD AND BEVERAGE TAX

SECTION 1 - DEFINITIONS.

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

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

2. Prepared Food Item for Immediate Consumption means and includes any and all material, whether solid, semi-solid or liquid used or intended to be used for human consumption and for nourishment of the human body. The term defined herein includes any and all alcoholic liquor except alcoholic liquor purchased in original package for consumption off the premises where sold. The term includes soft drinks as defined in Section 2-10 of the Illinois Retailers' Occupation Tax Act (35 ILCS 120/2-10). The term shall include and be limited to:

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

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

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

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

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

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

5. Restaurant means and includes any public place kept, used, maintained, advertised and held out to the public, as a place at which prepared food items for immediate consumption are served and/or prepared, whether or not consumed or intended to be consumed on the premises, but shall not include coin-operated automatic food dispensing machines.

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

SECTION 2 - IMPOSITION OF TAX.

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

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

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

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

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

SECTION 3 - LIABILITY FOR PAYMENT.

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

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

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

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

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

<u>SECTION 7 - FILING OF RETURN</u>.

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

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

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

<u>SECTION 8 - FAILURE TO FILE RETURN AND PAY TAX</u>.

1. If for any reason any tax is not paid when due, a penalty at the rate of ten percent (10%) per thirty (30) day period of the tax that such person is required to transmit to the City, for the first three months of delinquency, shall be added thereto, provided, however, a twenty (20%) percent penalty shall be imposed for any fraudulent failure to transmit such tax. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties.
2. In addition to the penalty assessed, any amount of tax which is not paid when due shall bear interest at the rate of two percent (2%) per month or fraction thereof from the date when such tax becomes past due until such tax is paid or a judgment thereof is obtained by the City of Pekin.

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

SECTION 9- FINANCIAL RECORDS.

1. All retailers shall cause complete and accurate books, records and accounts showing the gross receipts for sale of taxable prepared food items and the taxes collected each day, which shall be made available in the City for examination by the City upon reasonable notice and during customary business hours.

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

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

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

(Ord. No. 2579-09/10 02/24/09 effective 05-01/09)

CHAPTER 2

MUNICIPAL TAXATION

SECTION:

3-2-1: **HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX:**

A. Tax Imposed: A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in this municipality at the rate of 1 1/4% of the gross receipts from such sales made in the course of such business in accordance with the terms, conditions and limitations of Chapter 65, Illinois Consolidated Statutes, Section 5/8-11-1. (Ord. No. 2465 03/27/06)

~~B. Administration and Enforcement: The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue of the State of Illinois shall have full power to administer and enforce the provisions of this Article.~~

3-2-2: **HOME RULE MUNICIPAL SERVICE OCCUPATION TAX:**

A. Tax Imposed: A tax is hereby imposed upon all persons engaged in the business of making sales of service at the rate of 1 1/4%~~, as imposed by Section 3-2-1-A hereof,~~ of the selling price of all tangible personal property transferred by such servicemen, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service in accordance with the terms, conditions and limitations of Chapter 65, Illinois Consolidated Statutes, Section 5\8-11-5. (Ord. No. 2465 03/27/06)

~~B. Administration and Enforcement: The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue of the State of Illinois shall have full power to administer and enforce the provisions of this Article.~~

3-2-3: **MUNICIPAL USE TAX:**

A. Tax Imposed: A tax is hereby imposed in accordance with provisions of paragraph 8-11-6 of the Illinois Municipal Code (65 ILCS) upon the privilege of using in the City any item of tangible personal property which is purchased at retail from a retailer, and which is titled or registered with an agency of Illinois government. This tax shall be at rate of one percent (1 1/4%) of the selling price of such tangible personal property with "selling price" to have the meaning as defined in the "Use Tax Act", approved July 14, 1955, as amended. Such tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the City. (Ord. No. 2465 03/27/06)

B. Collection by State; When Due: Such tax shall be collected by the Illinois Department of Revenue for the City and shall be paid before the title or certificate of registration for the personal property is issued.

~~3-2-4: **REBATE OF HOME RULE TAXES ON CERTAIN SALES:**~~

~~A. The City Council has determined that a rebate shall be offered in the amount of any Home Rule Municipal Retailer's Occupational Tax or Home Rule Municipal Service Tax paid to the State of Illinois and not collected from the purchaser on the selling price of an item of tangible personal property equal to or exceeding One Thousand Dollars ($1,000.00). Said rebate offer shall not be applicable to said taxes charged and collected on sales of any amount.~~

~~B. Said rebate shall be offered to any person engaged in the business of selling tangible personal property upon which said Occupational Tax is imposed and to any person engaged in the business of selling tangible personal property incident to a sale of service upon which said Service Tax is imposed.~~

~~C. Rebates shall be offered on a calendar quarter basis only. Rebates shall be offered only to said persons who file a quarterly rebate claim form provided by the Chief Financial Officer of the City with the Chief Financial Officer on or before the last day of the fourth calendar month following the end of the filing period. Said rebate shall be reduced by 1.75% of the tax paid, said reduction being the discount allowed by the State of Illinois for timely payment of all sales taxes due.~~

~~D. The Chief Financial Officer is hereby authorized to promulgate rules and regulations regarding the offer of any such rebate and is further authorized to deny a rebate to any person who fails to comply with said rules and regulations or fails to submit documentation required by the Chief Financial Officer verifying the sale and amount of rebate. Said rules and regulations may include the filing of an annual audit by an independent Certified Public Accountant, the scope of which shall comply with guidelines as set forth by the Chief Financial Officer. This audit shall be filed on or before the 90th day following the close of the sellers fiscal year.~~

3-2-5: **MOTOR FUEL TAX:**

A. TITLE. This Ordinance shall be known and cited as the Motor Fuel Tax Ordinance of the City of Pekin, Illinois.

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

(i) “BULK USER”. Any person who purchases motor fuel for storage in bulk storage facilities located within the City, which facilities are owned, leased, or controlled by the person, for subsequent dispensing into the supply tanks or internal combustion engines operated by the person.

(ii) “GASOHOL”. A fuel used chiefly in internal combustion engines which is comprised chiefly of gasoline and ethyl alcohols in variable quantities.

(iii) “GASOLINE” or “DIESEL FUEL”. A volatile, highly flammable or combustible, liquid mixture of hydrocarbons produced by the fractional distillation of petroleum and used chiefly as a fuel in internal combustion engines, but shall not include mixtures commonly known as kerosene and aviation fuel, or mixtures used in the heating of buildings.

(iv) “MOTOR FUEL”. Gasohol and gasoline and diesel fuel as defined in this section.

(v) “PERSON”. Any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, contractor, supplier, vendor, vendee, operator, user or owners, or any officer, agents, employees, or other representative, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular, or plural is included in any circumstances.

(vi) “RETAIL GASOLINE DEALER”. Any person who engages in the business of selling motor fuel in the City, to a purchaser for use or consumption and not for resale in any form.

(vii) “SALE”, “RESALE” and “SELLING”. Any transfer of ownership or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a valuable consideration.

(viii) E-85 Blend Fuel: A fuel consisting of 85% ethanol and 15% gasoline. (Ord. No. 2459 02/27/06)

C. TAX IMPOSED AND EXEMPTIONS

(i) There is levied and imposed upon the purchase of each gallon of motor fuel, or fraction thereof sold at retail within the corporate limits of the City, irrespective of the unit of measure in which it is actually sold, a tax at the rate of ($.04) per gallon, except on the retail sale of E-85, which shall be exempt from the ($.04) per gallon tax until December 31, 2009. The tax herein levied shall be paid in addition of any and all other taxes and charges, but such other taxes and charges shall not be construed as part of the purchase price upon which the tax herein is levied. (Ord. No. 2459 02/27/06)

(ii) The ultimate incident of and liability for payment of the tax is to be borne by the retail purchaser of motor fuel. Nothing in this Article shall be construed to impose a tax upon the occupation of persons engaged in the retail sale of motor fuel.

(iii) It shall be the duty of every retail gasoline dealer to secure the tax from the purchaser at the time the dealer collects the purchase price for the motor fuel and to pay over the tax to the Finance Department as provided in this Article except in the case of a sale to a bulk user, in which case the bulk user shall pay over the tax to the Department as provided in this Article.

(iv) A retail gasoline dealer may make tax free sales with respect to which he is otherwise required to collect the tax when the sale is made to the federal government, the State of Illinois, any municipality, or unit of local government as those terms are defined by Section I of Article VII of the Constitution of the State of Illinois of 1970, or any school district.

D. TAX AND REPORT TRANSMITTAL.

(i) Every retail gasoline dealer shall transmit to the Treasurer, or the City Clerk, at the Manager’s discretion for receipt by the Department no later than the last day of each calendar month, a sum of money equal to the amount of motor fuel tax collected for the preceding calendar month, accompanied by a report upon forms supplied by the Treasurer, or the City Clerk, at the Manager’s discretion, indicating the gross gallons of motor fuel sold for the preceding calendar month, and such other information as the Treasurer, or the City Clerk, at the Manager’s discretion may require for enforcement of this Article. (Ord. No. 2568-08/09 10-14-08)

(ii) Every bulk user shall transmit to the Finance Department for receipt by the Department, no later than the last day of each calendar month, a sum of money equal to the amount of motor fuel tax owning for the preceding calendar month, accompanied by a report upon forms supplied by the Finance Department indicating the gross gallons of motor fuel purchased for the preceding calendar month, and such other information as the Department may require for enforcement of this Article.

(iii) In case any person who is required under this article to file a tax return to the City fails to file a return when and as required under this article, such person shall pay to the City, in addition to the amount of tax required to be transmitted, a penalty of ~~five~~ ten percent per 30 day period, of the tax that such person is required to transmit to the City, for the first three months of delinquency shall be added thereto, provided, however, a 20 percent penalty shall be imposed for any fraudulent failure to transmit such tax. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties.

(a) In case any person who is required under this article to file a tax return to the City files a return at the time required but fails to transmit the tax proceeds, or any portion thereof to the City when due, a penalty of ~~five~~ ten percent of the amount of tax not transmitted to the City shall be added thereto for the first three months of delinquency shall be added thereto,~~;~~ provided, however, the fraudulent failure to pay such tax shall result in a 20 percent penalty. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties.

(b) In addition to any penalty for which provision is made in this article, any amount of tax not transmitted when due shall bear interest at the rate of two percent per month, or fraction thereof, until fully transmitted.

(iv) Any officer or employee of any corporation which is an owner subject to the provisions of this article who has the control, supervision or responsibility of collecting tax proceeds, filing returns and transmitting collected tax proceeds of the tax imposed by this article and who willfully fails to file such return or to transmit any tax proceeds so collected to the City shall be personally liable for any such amounts collected, including interest and penalties thereof, if after proper proceedings for the collection of such amount such corporation is unable to pay such amounts to the City, and the personal liability of such officer or employee, as provided in this article, shall survive dissolution of the corporation. For purposes of this subsection, a person willfully fails to act if he takes any conscious and voluntary action intending not to perform any of his obligations hereunder, including, but not limited to, the utilizing of tax proceeds collected for the City to pay any other corporation obligations.

E. RECORDS; INSPECTION.

(i) Every retail gasoline dealer shall keep complete and accurate records, including a daily sheet showing the gross gallons of motor fuel sold for each day, and the amount of motor fuel tax collected on each day.

(ii) Every bulk user shall keep complete and accurate records of purchases of motor fuel, including the dates of the purchases, the gross gallons purchased on each of the dates, and the names and addresses of the retail gasoline dealers from whom each of the purchases were made.

(iii) For the purpose of administering and enforcing this Article, the Finance Department shall have the right to inspect all books, records and reports of retail gasoline dealers and bulk users during their normal business hours.

F. MOTOR FUEL TAX FUNDS.

(i) The Finance Department shall deliver the proceeds of the motor fuel tax imposed by this article to the City Treasurer for deposit into a separate fund to be designated as the "Motor Fuel Tax Fund". The City Treasurer shall deposit investment earnings and other monies including penalties credited to the motor fuel tax fund into the fund.

(ii) Said fund shall be specifically designated for the express purpose of capital improvements, including street construction and rehabilitation, curb and gutter work, storm sewer, sidewalk and other street-related improvements. By a majority vote of the corporate authorities, the funds may be pledged by the City to be used for capital improvement as defined in this section.

G. COLLECTION. Whenever any person shall fail to pay any tax as provided in this article, the Corporation Council shall, upon the request of the Treasurer, bring or cause to be brought an action to enforce the payment of such tax on behalf of the City in any court of competent jurisdiction. (Ord. No. 2568-08/08 10-14-08)

H. PENALTY FOR VIOLATION.

(i) Any retailer or person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provision of this Division, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) for the first offense, and not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00) for the second offense, and not less than One Thousand Dollars ($1,000.00) nor more than Four Thousand Dollars ($4,000.00) for the third offense, and not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) for the fourth and each subsequent offense, or five (5) times the amount of the tax imposed, if any, whichever is higher, for the second and each subsequent offenses. A separate and distinct offense shall be regarded as committed each day said retailer shall continue any such violation, or permit any such violation to exist after notification thereof. ~~Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than $200.00 nor more than $300.00 for the first offense and not less than $300.00 nor more than as provided in Section 1-4-1 of this Code for the second and each subsequent offense in any 180 day period.~~

(ii) Repeated offenses in excess of three within any 180 day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months. A separate and distinct offense shall be regarded as committee each day upon which such person shall continue any such violation or permit any such violation to exist after notification thereof.

I. EFFECTIVE DATE. The motor fuel tax shall be levied, imposed and collected commencing May 1, 1996.

3-2-6: HOTEL/MOTEL USE TAX. (Ord. No. 2024 03-25-96)

A. DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(i) Hotel or motel means a structure kept, used or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment-hotel, lodging house, dormitory or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

(ii) Hotel room or motel room means a room within a structure kept, used or maintained as or advertised or held out to the public to be in an inn, motel, hotel, apartment-hotel, lodging house, dormitory or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, with or without meals. One room offered for rental, with or without an adjoining bath, shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the bases of those rooms utilized for the purpose of sleeping.

(iii) Owner means any person having a sufficient proprietary interest in conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room so as to entitle such person to all or a portion of the net receipts thereof.

(iv) Person means any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agent, governmental corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights or duties.

B. TAX IMPOSED AND EXEMPTIONS.

(i) There is hereby levied and imposed upon the use and privilege of renting a hotel or motel room within the City a tax of five (5%) percent of the rental or leasing charge for each such hotel and motel room rented for each 24-hour period or any portion thereof; provided, however, that the tax shall not be levied and imposed upon any person who works and lives in the same hotel or motel. (Ord. No. 2272 11-13-01) (Ord No. 2398 11-22-04)

The tax shall not be levied and imposed upon any person that rents a hotel or motel room for use by the same natural person or persons for more than 30 consecutive days, the tax imposed herein applicable to the first 30 days of a hotel room rental which extends beyond 30 days. Upon the 31st consecutive day of rental, the renter is due a refund or credit from the tax collector for the 30 consecutive days of tax paid. Persons engaged in the business of renting, leasing or letting rooms in a hotel only to permanent residents are exempt from the provisions of this article. (Ord. No. 2583-09/10 05-11-09)

(ii) The ultimate incident of and liability for payment of such tax shall be borne by the person who seeks the privilege of occupying any such hotel or motel room, such person thereinafter referred to as “renter”.

(iii) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner, manager or operator of every hotel or motel to act as trustee for and on account of the City, and to secure such tax from the renter of the hotel or motel room and pay over to the Finance Director or as otherwise provided in this article.

(iv) Every person required to collect the tax levied by this article shall secure such tax from the renter at the time he collects the rental payment for the hotel or motel room. Upon the invoice receipt or other statement or memorandum, if the rent is given to the renter at the time of payment, the amount due under the tax provided in this article shall be stated separately on such documents.

C. RULES AND REGULATIONS. The Finance Director may promulgate rules and regulations not inconsistent with the provisions of this article concerning enforcement and application of this article. The term “rules and regulations” includes, but not limited to, case-by-case determination of whether or not the tax imposed by this article applies.

D. LICENSE REQUIRED.

(i) It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained, upon any property owned or controlled by him a hotel or motel within the City without having first obtained a license therefor from the City Clerk or without complying with all provisions of this article.

(ii) No license shall be issued or annually renewed for a hotel or motel delinquent in payment of the use and privilege tax or the payment of any fines and/or penalties assessed for the non-payment or late payment thereof.

(iii) The annual fee for such license for a hotel or motel shall be $10.00. The license shall be valid for one year.

E. BOOKS AND RECORDS. The Finance Director, or any person certified as his deputy or representative, may enter the premises of any hotel or motel for inspection and examination of books and records in order to effectuate the proper administration of this article and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the Finance Director or his duly authorized deputy or representative in the discharge of his duties and the performance of this article. It shall be the duty of every owner to keep accurate and complete books and records to which the Finance Director or his deputy or authorized representative shall at all times have access, which records shall include a daily sheet showing:

(i) The number of hotel or motel rooms rented during the 24-hour period, including multiple rentals of the same hotel rooms where such shall occur; and
(ii) The actual hotel or motel tax receipts collected for the date in question.

F. TRANSMITTAL OF TAX REVENUE.

(i) The owner of each hotel or motel room within the City shall file tax returns showing tax receipts received with respect to each hotel and motel room during each monthly period commencing on May 1, 1996, and continuing on the first day of every month thereafter on forms prescribed by the Finance Director. The return shall be due on or before the 30th day of the calendar month succeeding the end of the monthly filing period. Such owner shall file an application with the city finance department for a city taxpayer identification number prior to filing the first tax return. (Ord. No. 2052 08-31-96) (Ord No. 2662 07-09-12 effective 09-01-12)

(ii) The first taxing period for the purpose of this article shall commence on May 1, 1996; and the tax return and payment for such period shall be due on or before June 30, 1996. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this article. At the time of filing such tax returns, the owner shall pay to the Finance Department all taxes due for the period to which the tax return applies.

(iii) In case any person who is required under this article to file a tax return to the City fails to file a return when and as required under this article, such person shall pay to the City, in addition to the amount of tax required to be transmitted, a penalty of ~~five (5%)~~ ten percent per 30 day period, of the tax that such person is required to transmit to the City, for the first three months of delinquency shall be added thereto, ~~;~~ provided, however, a twenty (20%) percent penalty shall be imposed for any fraudulent failure to transmit such tax. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties.

(a) In case any person who is required under this article to file a tax return to the City files a return at the time required but fails to transmit the tax proceeds, or any portion thereof, to the City when due, a penalty of ~~five (5%)~~ ten percent per 30 day period, of the amount of tax not transmitted to the City, for the first three months of delinquency, -shall be added thereto; provided, however, the fraudulent failure to pay such tax shall result in a twenty (20%) percent penalty. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties.

(b) In addition to any penalty for which provision is made in this article, any amount of tax not transmitted when due shall bear interest at the rate of two (2) percent per month, or fraction thereof, until fully transmitted.

(c) In addition to any of the previous penalties above set forth, any person who is required under this Article to file a return and to transmit the tax proceeds, but fails to do so in a timely manner, shall be ineligible for any reimbursement of funds from the City if they were in arrears at the time the event for which reimbursement is sought occurs; or if they have been in arrears for any amount of time, on two or more occasions in the previous preceding twelve months from when application for reimbursement was made. (Ord. No. 2568-08/09 10-14-08)

(iv) Any officer or employee of any corporation which is an owner subject to the provisions of this article who has control, supervision or responsibility of collecting tax proceeds, filing returns and transmitting collected tax proceeds of the tax herein imposed by this article and who willfully fails to file such return or to transmit any tax proceeds so collected to the City shall be personally liable for such amounts collected, including interest and penalties thereon, if after proper proceedings for the collection of such amount, such corporation is unable to pay such amounts to the City; and the personal liability of such officer or employee, as provided in this article, shall survive dissolution of the corporation. For purposes of this sub-section, a person willfully fails to act if he takes any conscious and voluntary action intending not to perform any of his obligations hereunder, including, but not limited to, the utilizing of tax proceeds collected for the City to pay any other corporation obligations.

(v) The person filing such return shall attach thereto a copy of its Illinois Retailer's Sales and Use Tax or Hotel Operator's Tax returns for the month for which a return is made under this article.

G. COLLECTION. Whenever any person shall fail to pay any tax as provided in this article, the Corporation Council shall, upon the request of the Treasurer, bring or cause an action to enforce the payment of such tax on behalf of the City in any court of competent jurisdiction. (Ord. No. 2568-08/09 10-14-08)

H. PROCEEDS OF TAXES AND FINES. All proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid into the city treasury and shall be credited to and deposited in the corporate fund of the City. Such proceeds shall be used exclusively for the promotion of tourism and conventions within the city or to attract overnight non-resident visitors to the City. No Hotel/Motel tax funds received by the City shall be used to advertise for or otherwise promote new competition in the hotel business. (Ord. No 2398 11-22-04)

I. SUSPENSION OF LICENSES. If the Mayor, after hearing held by or for him, shall find that any person has willfully avoided payment of the tax imposed by this article, or any fines and\or penalties assessed for the non-payment or late payment of such tax, he may suspend or revoke all city licenses held by such tax evader. The owner, manager or operator of the hotel or motel shall have an opportunity to be heard at such hearing to be held not less than five days after notice of the time and place of the hearing to be held, addressed to him at his last known place of business.

J. PENALTIES.

(i) Any retailer found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provision of this Division, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) for the first offense, and not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00) for the second offense, and not less than One Thousand Dollars ($1,000.00) nor more than Four Thousand Dollars ($4,000.00) for the third offense, and not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) for the fourth and each subsequent offense, or five (5) times the amount of the tax imposed, if any, whichever is higher, for the second and each subsequent offenses. A separate and distinct offense shall be regarded as committed each day said retailer shall continue any such violation, or permit any such violation to exist after notification thereof .~~Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than $200.00 nor more than $300.00 for the first offense and not less than $300.00 nor more than as provided in Section 1-4-1 of this Code for the second and each subsequent offense in any 180 day period.~~

(ii) Repeated offenses in excess of three within any 180 day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months. A separate and distinct offense shall be regarded as committee each day upon which such person shall continue any such violation or permit any such violation to exist after notification thereof.

K. PURPOSES OF PENALTIES. The purpose of imposing the penalties provided for the violation of this article is to ensure the integrity of the collection process established pursuant to this article.

3-2-7: **PACKAGE LIQUOR TAX**

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

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

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

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

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

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

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

6. City: Means City of Pekin.

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

SECTION 4 - LIABILITY FOR PAYMENT.

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

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

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

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

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

SECTION 8 - FAILURE TO PAY, COLLECT, OR REMIT TAX. If for any reason any tax is not collected or remitted when due, a penalty at the rate of two (2) percent per month on the amount of tax which remains unremitted shall be added and collected. Additionally, a penalty of ~~a one (1) time late filing fee of seven and one-half percent (7 1/2%)~~ ten percent per 30 day period, of the tax that such person is required to transmit to the City,for the first three months of delinquency, shall be added thereto, provided, however, a twenty (20%) percent penalty shall be imposed for any fraudulent failure to transmit such tax. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties.

~~may be imposed and collected for any filings remitted after the 20th of the month.~~ Whenever any person shall fail to pay, collect, or remit any tax as herein provided, the Corporation Counsel upon the request of the City Manager shall bring or cause to be brought an action to enforce compliance in any court of competent jurisdiction. As compensation for services rendered in the collection and payment of this tax, retailers filing a tax return may retain an amount of money equal to one percent (1%) of the tax. (Ord. No. 2595-09/10 09-28-09)

SECTION 9 - RECORDS.

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 2578-09/10 02-24-09 Effective 05-01-09)

3-2-8: **FOOD AND BEVERAGE TAX**

SECTION 1 - DEFINITIONS.

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

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

2. Prepared Food Item for Immediate Consumption means and includes any and all material, whether solid, semi-solid or liquid used or intended to be used for human consumption and for nourishment of the human body. The term defined herein includes any and all alcoholic liquor except alcoholic liquor purchased in original package for consumption off the premises where sold. The term includes soft drinks as defined in Section 2-10 of the Illinois Retailers' Occupation Tax Act (35 ILCS 120/2-10). The term shall include and be limited to:

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

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

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

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

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

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

5. Restaurant means and includes any public place kept, used, maintained, advertised and held out to the public, as a place at which prepared food items for immediate consumption are served and/or prepared, whether or not consumed or intended to be consumed on the premises, but shall not include coin-operated automatic food dispensing machines.

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

SECTION 2 - IMPOSITION OF TAX.

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

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

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

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

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

SECTION 3 - LIABILITY FOR PAYMENT.

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

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

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

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

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

SECTION 7 - FILING OF RETURN.

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

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

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

SECTION 8 - FAILURE TO FILE RETURN AND PAY TAX.

1) If for any reason any tax is not paid when due, a penalty at the rate of ten percent (10%) per 30 day period, of the tax that such person is required to transmit to the City,for the first three months of delinquency, shall be added thereto, provided, however, a twenty (20%) percent penalty shall be imposed for any fraudulent failure to transmit such tax. Failure to provide required supporting documentation along with the return constitutes failure to file a return and may be subject to the failure to file penalties.

~~1. per thirty (30) day period or portion thereof, from the day of delinquency, shall be added and collected.~~

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

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

SECTION 9- FINANCIAL RECORDS.

1. All retailers shall cause complete and accurate books, records and accounts showing the gross receipts for sale of taxable prepared food items and the taxes collected each day, which shall be made available in the City for examination by the City upon reasonable notice and during customary business hours.

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

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

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

(Ord. No. 2579-09/10 02/24/09 effective 05-01/09)