



## MEMORANDUM

**TO:** Diane Wolfe Marlin, Mayor and City Council Members  
Carol Mitten, City Administrator

**FROM:** Vince Gustafson, Deputy Director for Operations  
Andy Murphy, Operations Supervisor

**DATE:** December 4, 2019

**RE:** A Resolution Approving an Intergovernmental Agreement with Danville, Illinois, for the Purchase of Liquid Asphalt Emulsion

### **Background:**

The City of Urbana Department of Public Works purchased a spray injection pavement patching truck in 2017. This piece of equipment allows a single operator to perform highly effective pavement maintenance in a very efficient and safe manner. This truck repairs potholes using a coat of liquid asphalt emulsion and aggregate that bonds to the pavement. The repairs last substantially longer than repairs made using traditional cold or hot patch application methods.

### **Issue:**

Only one vendor locally provides the necessary liquid asphalt emulsion needed to operate the equipment. This vendor only produces the asphalt emulsion during the regular construction season and not during the winter months. The destructive impact of freezing and thawing cycles increases the need for continued pavement maintenance year-round. Staff have explored options for sourcing the needed materials.

The City of Danville has the necessary storage facilities on-site and has the capacity to provide the City of Urbana the liquid asphalt emulsion needed to continue patching operations through the winter season. They have proposed an agreement to provide the necessary oil for \$2.75/gallon per the terms of the attached Intergovernmental Agreement (IGA). It is estimated that Urbana Public Works will purchase 800 gallons this fiscal year as part of this agreement.

The City of Champaign was contacted to discuss a similar arrangement. While there is a possibility of an arrangement in future years, they do not have the on-site capacity this year to support Urbana's needs.

Staff have been unable to identify an alternate local source. Research will be conducted in the future to determine the cost effectiveness of installing an on-site storage facility at Urbana Public Works.

### **Proposed Resolution:**

The proposed resolution for Council consideration (Resolution No. 2019-12-054R) would authorize approval of the IGA with the City of Danville for the purchase of asphalt emulsion.

### **Recommendation:**

Staff recommend that the City Council approve the proposed resolution.

**RESOLUTION NO. 2019-12-054R**

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH DANVILLE, ILLINOIS, FOR PURCHASE OF ASPHALT EMULSION**

**WHEREAS**, the City of Urbana, an Illinois municipal corporation (“Urbana”), is a home rule entity pursuant to Article 7, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, Article VII, Section 10(a), of the Illinois Constitution, 1970, and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, authorize intergovernmental cooperation in any manner not prohibited by law or ordinance; and

**WHEREAS**, the City of Danville, Illinois (“Danville”), has ample capacity to provide Urbana with a cost-effective source of asphalt emulsion, which Urbana requires for year-round use of its spray injection pavement patching machine; and

**WHEREAS**, Section 5 of the Intergovernmental Cooperation Act, 5 ILCS 220/5, requires the governing body of each party to an intergovernmental agreement to approve such agreement; and

**WHEREAS**, the City Council, after due consideration, finds that approval of an intergovernmental agreement for the purchase of asphalt emulsion from Danville is in the best interests of the residents of Urbana and is desirable for the welfare of Urbana’s government and affairs.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council, of the City of Urbana, Illinois, as follows:

**Section 1.**

An Intergovernmental Agreement for Purchase of Asphalt Emulsion, between the City of Urbana, Illinois, and the City of Danville, Illinois, in substantially the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

**Section 2.**

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said

execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

**PASSED BY THE CITY COUNCIL** this Date day of Month, Year.

AYES:

NAYS:

ABSTENTIONS:

---

Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this Date day of Month, Year.

---

Diane Wolfe Marlin, Mayor

INTERGOVERNMENTAL AGREEMENT FOR PURCHASE OF ASPHALT EMULSION

This Agreement is made this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between the City of Danville, Illinois, a municipal corporation (hereinafter referred to as “Danville”) and the City of Urbana, a governmental entity established in accordance with State of Illinois Statutes (hereinafter referred to as “The City of Urbana”); and

WHEREAS, Danville owns and operates a 10,000 gallon asphalt emulsion storage tank for the purpose of providing emulsion used in the operation of a spray injection pavement patching machine; and

WHEREAS, with a 10,000 gallon capacity, Danville has adequate storage to provide asphalt emulsion to certain other governmental entities without impacting program effectiveness within Danville Public Works; and

WHEREAS, the City of Urbana owns a spray injection pavement patching machine and desires to purchase asphalt emulsion from Danville; and

WHEREAS, Danville has costs related to; cleaning and maintenance of the emulsion tank, hoses and motor, personnel for safety and loading operations, administrative work for additional purchases of emulsion, and electrical fees for heating the emulsion tank and operation of the agitating blade; and

WHEREAS, the 1970 Illinois Constitution (Article VII, Section 10) and the Intergovernmental Cooperation Act (5 ILCS 220/1-220/8) provide authority for the intergovernmental cooperation contemplated by this Agreement; and

WHEREAS, through Resolution No.2011-73, the City Council of the City of Danville has authorized the Mayor to enter into this Intergovernmental Agreement to provide the cooperative assistance as agreed by the parties.

NOW, THEREFORE, in consideration of the premises set forth above, Danville and the City of Urbana agree as follows:

1. The City of Urbana agrees to purchase emulsion from Danville at the rate of \$2.75 per gallon, picked up at the Public Works tank site located at 1155 E. Voorhees, Danville, Illinois.
2. The City of Urbana agrees to purchase asphalt emulsion in accordance with guidelines and procedures set forth in Danville Public Works Guidelines and Procedures for Purchase of Asphalt Emulsion.
3. Danville agrees to be responsible for maintenance of the emulsion tank, emulsion tank components, and the site in general.
4. The City of Urbana agrees that it is responsible for the actions and safety of its personnel at the site, and the proper operation of any equipment related to this Agreement.
5. This Intergovernmental Agreement shall be in effect until terminated by the parties. Either party may terminate this Intergovernmental Agreement upon thirty (30) days written notice. Any modification or amendment of this Intergovernmental Agreement shall be in writing, and approved by the respective governing bodies of the parties.
6. This Intergovernmental Agreement has been approved by the respective governing bodies of the parties by Resolution or other authorized document, duly adopted as provided by law.

THE CITY OF DANVILLE, ILLINOIS

THE CITY OF URBANA, ILLINOIS

By: Richy Williams

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

Its Mayor

Its Mayor

Attest: Lisa H. Monson  
City Clerk

Attest: \_\_\_\_\_

City Clerk