

**CITY OF URBANA  
COMMITTEE ON ADMINISTRATION & FINANCE - SEPTEMBER 11, 1995  
CITY COUNCIL CHAMBERS - 400 S. VINE STREET, URBANA, IL**

**COMMITTEE MEMBERS PRESENT:** Michael Pollock, Chair; James Hayes; Carolyn Kearns; Esther Patt; Marya Ryan; Joseph Whelan; John Taylor (7:33)

**COMMITTEE MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Tod Satterthwaite, Mayor; Phyllis Clark, City Clerk; Jack Waaler, City Attorney; Eddie Adair, Chief of Police; April Getchius; Community Development Director; William Gray, Public Works Director; Reed Berger, Economic Development Coordinator; Bruce Walden, Chief Administrative Officer

**OTHERS PRESENT:** Earl O'Shea; Dodie Crawford; Marti Stephens; Rich Niemann; Dan Van Orden; Jeff Tock; Media

Chairman Pollock called the meeting to order at 7:31 p.m.

**1. Additions To The Agenda And Staff Report**

Chairman Pollock stated that Mr. Walden requested that discussion on agenda item numbers 4 ("Staff Report On The Impact Of Extending The RFP Timeline For The Maple/Vine Development") and 5 ("METCAD Agreement") be delayed until he arrived. Mr. Walden was at another meeting, but would arrive at this meeting as soon as possible. There were no objections.

**2. Minutes Of Previous Meeting**

Ms Patt made a motion to approve the minutes of August 14, 1995 and was seconded by Ms Ryan. The motion carried by voice vote.

Before continuing with the business at hand, Mayor Satterthwaite informed the Committee that he had received a letter from HUD regarding scattered site housing. He noted that this issue had been rescinded.

**3. Public Input**

Earl O'Shea, 606-A Glover, addressed the Committee on the topic of better government.

Dodie Crawford addressed the Committee on the topic of the Norfolk & Southern abandoned railroad right-of-way. Ms Crawford stated that on December 20, 1992 she had written a letter to Representative Tim Johnson requesting that the property be reverted to land owners and leveled so they could maintain it.

Ms Crawford gave a brief synopsis of efforts made by property owners to get this area leveled. Ms Crawford was upset because the City wants to sell this property to the land owners and expects them to also pay for the existing drainage problems that she felt would not have occurred if the property had been leveled.

Marti Stephens, 1511 Lincolnwood, addressed the Committee on the topic of special service area/abandoned railroad tracks. Ms Stephens indicated that the residents just want to be able to maintain the property so they do not have four-wheel drive motorized vehicles driving down through their back yards at all hours of the night or rocks being thrown through windows, etc. She would like to have privacy in her back yard. She would be willing to pay for the service area.

Rich Niemann, Niemann Foods/County Market (1501 N. 12th Street, Quincy, Illinois), addressed the Committee concerning extending the RFP timeline for the Maple/Vine development area. Mr. Niemann requested a 90-day extension for submitting proposals.

Dan Van Orden, 1214 Lanore Street, addressed the Committee on the topic of the Norfolk & Southern abandoned railroad right-of-way. Mr. Van Orden reiterated the property owners' desire to maintain this area for themselves.

Jeff Tock, 201 W. Springfield, stated that he was legal counsel representing Schnuck's and was available to answer any questions the Committee might have concerning Schnuck's proposal for the Maple/Vine development.

**6. An Ordinance Amending Article I, Section 16-3 Of Chapter 16 Entitled "Noise And Vibrations" Of The Urbana City Code**

Jack Waaler presented staff's report. Legal staff was directed by Council to prepare the appropriate amendments to change the time period to which a warning must be given before a violation of the Noise Ordinance is declared. The suggestion was to change it from one-hour to 45 days. Mr. Waaler suggested taking out the formal requirement of a warning. He felt requiring a warning that remains valid for 45 days renders the whole purpose of a warning meaningless and suggested that the warning requirement be repealed in its entirety.

Ms Patt inquired why Mr. Waaler felt legislating a warning is such a bad idea if the intent is that in every single instance a warning would be given. What is the protection against selective enforcement, capriciousness, or arbitrariness on the

part of the police officers, and how does that affect the City's ability to defend an arrest for violation? Mr. Waaler responded that he did not know of anything that could absolutely protect a police force that wants to indulge in selective enforcement. Once a warning requirement is introduced, Mr. Waaler stated that it would appear logical to give a period of vitality to that warning requirement.

Ms Patt inquired how it would be determined if a person has received a warning if one officer responds to the first call about the complaint and then a different officer on another shift responds the next time. Chief Adair stated that one way would be to make it a prerequisite of the police officer to issue a warning. Chief Adair indicated that the Police Department would like the discretion of making this determination.

In the event the warning policy were kept in the ordinance, Ms Patt asked Chief Adair if his concern was how to decide what window of time a warning would still be valid. Chief Adair responded that it would be a concern, however, one aspect would be if it were, for example, a large party and an ongoing situation. That time period could be an impediment to effective enforcement.

Following debate, Mr. Taylor made a motion to send the version of this ordinance marked as attachment "B", which repeals the warning policy, to Council for approval. Mr. Hayes seconded.

Mayor Satterthwaite spoke in favor of the motion stating the need to trust the Police Department and give them the authority to use their discretion.

Following debate, with a show of hands, the motion to send to Council passed by voice vote.

At this time Chairman Pollock asked the Committee if they had any objection to changing the order of the agenda to hear item #9 next, since there were quite a few people present in the audience concerned about this issue. There were no objections.

9. **An Ordinance Establishing Special Service Area Number Three**

William Gray presented staff's report. Mr. Gray stated that in the last 60 days bids had been taken from area contractors for this project. Three bids were received, with the lowest bid on the project being \$105,000. This bid was \$20,000 in excess of the drainage improvement cost estimate. Mr. Gray stated that through a couple of meetings, one of the ideas was that the abandoned railroad right-of-way (which we have a quit claim for)

would be treated as one "outlot." We could develop a plat of survey, subdivide the outlot into 59 parcels. The parcels represent the adjacent property owners to this right-of-way. By using this method of surveying, establishing one large subdivision with 59 parcels and then deeding each parcel number to the adjacent property owners, if they elect to take that parcel, would be a substantially cheaper method than the original intention which was to develop 59 separate individual plats.

It was staff's original intent to have this special service area tax collected by the Champaign County Collector's Office. However, it has recently been discovered that if we use the method of spreading the special service area tax, the County will not put it onto a property tax bill. Therefore, the City would be responsible for sending out the bill. Staff is suggesting that, rather than including the \$10,000 surveying cost up front in the cost per front foot, everyone pay the cost for the drainage (the removal of the elevated track bed and the restoration work). That would be a cost of \$21.15 per foot. The surveying costs are not included in the \$21.15 per foot. If, after the work is completed, a property owner wanted to acquire the deed to the parcel adjacent to them, then they would pay to the City a prorated share of the \$10,000, which would be approximately \$170.

Mr. Gray stated that if the ordinances were approved by Council next Monday, the contractor could be notified on Tuesday morning to begin work. Staff does not have the contractor's schedule at the moment, but it is anticipated that they could start very shortly after next Monday. There may be a situation where the actual seeding of the work would have to be delayed until Spring '96. A decision would have to be made later as to whether or not to seed now or wait until next Spring. The removal of the elevated track bed, grading, and storm sewer work should all be completed this Fall. The billing would be made to the residents next year. Since the City would be doing the billing, it could be paid off in one lump sum or over a period of ten years with interest.

Mr. Whelan inquired about the reason for this project being concluded at this point rather than earlier as was expected. Mr. Gray responded that the City only recently received the quit claim from the railroad. Technically, we needed the quit claim deed before having a contractor do the work. Also, the law required that we wait 60 days after the public hearing. Tonight is the 61st day.

Mr. Whelan wanted to know what was different with this conclusion than the one concluded earlier. Mr. Gray stated that

the main difference was the deductibility issue. The big change is that staff recently found out that the County Collector's Office would not place a special service area, that has spread on a cost per lineal foot versus an equalized assessed value situation, on a property tax bill.

Following debate, Mr. Taylor made a motion to send to Council for approval, with a recommendation that the interest rate be at 5% per annum. Ms Kearns seconded.

Mr. Hayes inquired who would be responsible if some people decided they did not want to pay for a parcel. Mr. Gray explained that this was elective and not an up front cost. Therefore, if people still want to proceed to buy the parcel adjacent to them at \$170, they could do so. The property owner does not have to purchase.

Mayor Satterthwaite clarified that the adjacent owner would still have to pay for the improvements (\$21.15), but would not be required to purchase any of the property. Debate ensued.

Mr. Whelan made a motion to amend that the interest rate be 2%. The motion failed for lack of a second.

Chairman Pollock stated that he had a concern about the approach the City would use when five or ten parcels are not purchased. When complaints are received in the area because of maintenance problems for the property not purchased, who will handle them? Mr. Gray responded that it would be up to the Public Works Department to mow and maintain the property.

Following further debate, the motion to send to Council passed with a show of hands.

**10. An Ordinance Revising The Annual Budget Ordinance (Norfolk & Southern Abandoned Right-Of-Way Drainage Improvements)**

Mr. Taylor made a motion to send to Council for approval. Mr. Hayes seconded. The motion carried by voice vote.

**4. Staff Report On The Impact Of Extending The RFP Timeline For The Maple/Vine Development**

Bruce Walden presented staff's report. Mr. Walden noted that at the last Council meeting staff was directed to analyze the proposal by Mr. Niemann to extend the deadline on the RFP submission by 90 days. Mr. Walden said that he wrote letters to Mr. Niemann and Schnuck's, and held an internal meeting with the Legal Division and department heads to discuss this issue. Staff

has taken a close look at this and finds that it is not in the City's best interest to recommend that Council extend the deadline. This decision was based on the legal risk involved in doing so, and project risk.

Mr. Walden stated that staff was concerned that a delay or a combination of delays could require the renegotiation of contracts and/or extensions of options. In a letter from Schnuck's they have provided information that four of the options would need to be extended to accommodate Mr. Niemann's request. Mr. Walden said that staff asked Mr. Niemann if he would be willing to pay for those extensions of options and he has declined to do so. Mr. Niemann was also asked if he would be willing to sell his property interest if the City were to extend the deadline and he were not designated as developer, so that the City would not have a problem in terms of the acquisition of the final property. This, too, was not possible.

Mr. Walden further stated that staff was not concerned about the fairness of the process. It would be difficult for the City to expect Schnuck's to put the project at risk with a delay and to pay for the options to allow Mr. Niemann to prepare a proposal. This does not seem fair.

In the final analysis, Mr. Niemann controls about 5% and Schnuck's controls approximately 95% of the site. Staff feels there is obviously a difference between the City to using its powers of eminent domain to acquire a single piece versus 95% of the site for the party who has 5%. It would be difficult to rationalize.

Mr. Walden suggested two options: 1) Direct staff to proceed with the developer selection pursuant the rules and the timetable previously published; or 2) Staff is open to direction from Council for other options. It is staff's recommendation that the Council go with option #1. If the Council pursues this, staff is willing to continue working with Mr. Niemann on development of his proposal, if he chooses to do so, or any other project or alternatives Mr. Niemann would like to consider.

With regard to legal risk, Mr. Whelan asked if the City would be subject to a lawsuit from Schnuck's. Mr. Walden stated that there is at least one party following the process with significant time and resources invested. Mr. Walden stated that he did not perceive a threat of a lawsuit.

Ms Kearns informed the Committee that she had received two letters from constituents in Ward 4 requesting that the timeline not be extended. The residents would like to have a Schnuck's

store in downtown Urbana to fill what they see as a void. Ms Kearns stated that to extend the deadline, in her opinion, was like changing the rules in the middle of a game. All of the developers were given the same amount of time to submit their proposals and it would be inappropriate to extend the timeline.

In the event the Committee did not grant a 90-day extension, Mr. Whelan inquired of Mr. Niemann if he would be able to put together a proposal by the current deadline. Mr. Niemann indicated that it would be difficult to have a viable proposal. Mr. Whelan then inquired if 45 days from now would be feasible. Mr. Niemann's response was that it would be possible, however, he was not sure and strongly urged that the 90-day extension be granted.

Mr. Whelan made a motion to grant an extension of 45 days to the September 25, 1995 deadline for the purpose of submitting proposals for development. The motion failed for lack of a second.

Mr. Whelan distributed a written motion to the Committee. **[Note: The City Clerk's Office did not receive a copy of Mr. Whelan's motion in writing. The following is how the motion was recorded by the Recording Secretary.]** Mr. Whelan made a motion to have City staff explore whatever means are possible to assist Mr. Niemann and his business to expand at its present location to a level that is suitable to them for the purpose of keeping the store operational in downtown Urbana. Mr. Taylor seconded the motion for the purpose of discussion.

Ms. Patt inquired how this would be different from anything we may already be doing. Mr. Walden responded that it would only be an issue of priority. If this were initiated by Mr. Niemann staff would do it anyway.

Mr. Taylor made a friendly amendment to the motion to direct staff to not begin working on this until after all of the Vine Street bidding is settled. Mr. Taylor stated that he felt these are two separate issues. Debate ensued.

Following further debate, Mr. Taylor made a motion to table Mr. Whelan's motion for 60 days. Ms Patt seconded.

Mr. Whelan stated that he believed the time of tabling puts Niemann's at a great disadvantage because they would not be able to contribute an answer to our request for proposal by September 25th. Mr. Whelan indicated that there were parties involved who could be a party to both developments.

Chairman Pollock concurred that the proposals are separate. In summary, the motion states that we value Mr. Niemann and County Market downtown and if there is a way to help them be more competitive, we encourage our staff to discuss those possibilities with Mr. Niemann.

Mr. Whelan inquired if tabling the motion meant acting on it in 60 days. Chairman Pollock responded that it would come back to the Committee on Administration & Finance in eight weeks.

The motion to table Mr. Whelan's motion failed.

The motion now on the floor is Mr. Whelan's original motion to direct staff to work with Niemann Foods in any way possible to encourage retention and expansion of their downtown facility.

Ms Ryan suggested a friendly amendment to delete the last sentence about 30\* days. [\*Taken from Mr. Whelan's written motion.] There were no objections.

Chairman Pollock stated that the motion would read as was with the exception that there would be no recommendation from the staff within 30 days.

As a point of clarification, Mr. Taylor inquired if the motion was limited to the written motion by Mr. Whelan and the amendment by Ms Ryan. Chairman Pollock responded "yes."

The motion passed by voice vote.

##### 5. **METCAD Agreements**

Mr. Walden presented staff's report. The short version is that the membership on these two boards would change. Currently, the Mayor and the Chief Administrative Officer (CAO) serve on both the Emergency Telephone System Board (ETSB) and the METCAD Board. Under the new arrangement the ETSB would be staffed by the Mayor and the Police Chief, and METCAD would be staffed by the CAO and Fire Chief for the first two years. The reason for the change to the ETSB is that the Illinois Commerce Commission (ICC) has found that the membership of the Board does not meet, in their opinion, the statutory requirements. They have suggested changes that would provide more public safety representation on that Board. All of the agencies involved (i.e., Champaign County, University of Illinois, City of Champaign, City of Urbana) are recommending at this point to comply with the ICC request and not do anything, at this point, to delay going on line with our enhanced 9-1-1 service.

a) A Resolution Approving and Authorizing The Execution Of Amendment Number One To An Intergovernmental Agreement Creating Champaign County Emergency Telephone System Board: Mr. Taylor made a motion to send to Council for approval. Ms. Patt seconded.

Mr. Hayes inquired how dialing 9-1-1 worked with regard to Rantoul and Champaign County use. Mr. Walden explained that the ETSB agreement is a countywide agreement; Rantoul is a part of that. The issue related to records does not include Champaign County. There are only three of the agencies that have agreed to share police records.

Following debate, the motion carried by voice vote.

b) A Resolution Approving And Authorizing The Execution Of An Agreement Concerning The Provision And Administration Of Metropolitan Computer-Aided Dispatch (METCAD) By And Between The City Of Champaign, The City Of Urbana, Champaign County And The University Of Illinois: Mr. Hayes inquired what was the reason for a dual 9-1-1 system in the County, since Rantoul has their own. Mr. Walden explained that this was something Rantoul wanted to do. It has operated "pretty smoothly" with Rantoul having their own 9-1-1.

Chairman Pollock stated that the use of Urbana's software is to everyone's advantage. Are we covered for the eventuality that we may find that we will have to put in more resources, hire more people, and develop more abilities to deal with this? Mr. Walden stated that the primary safeguard in the METCAD Agreement is "mutually assured dissolution." Champaign is the lead agency and provide a significant amount of staff support. With regard to the records, the City of Urbana will be hiring an AS 400 programmer and taking some responsibility there. Each year there must be a budget approved. Each year the four administrators must be unanimous in their support of the budget or there is no budget.

Mr. Whelan made a motion to send to Council. Mr. Taylor seconded. The motion carried by voice vote.

#### 7. An Ordinance Prohibiting Unnecessary Vehicular Noises

In his report to the Committee, Mr. Waaler stated that the intent of this ordinance was to address the problem of excessive noises created by motor vehicles. Although this does not address unnecessary honking of horns already covered by the Code, it does make it a violation of the ordinance to operate a car with a defective muffler or one that has been altered to make more

noise. The ordinance also makes it a violation to operate the radio or tape deck loudly for a distance of 75 ft. or more when the vehicle is operated or located on a public right-of-way. Mr. Waaler stated that this language is similar to State law. The ordinance makes the registered owner responsible for these violations no matter who is driving.

Ms Patt inquired if the 75 ft. distance meant while the vehicle was moving. Mr. Waaler responded "not necessarily."

Mr. Taylor made a motion to send this item to Council for approval. Mr. Whelan seconded.

Ms Patt moved to delete Subsection (d) which punishes the owner even if she/he is not driving. Ms Ryan seconded. Motion carried by voice vote.

Mr. Pollock motioned to rewrite Subsection (d) to fine either the driver or the owner. Mr. Whelan seconded. The motion failed with a show of hands.

The original motion to send this to Council passed as amended by voice vote.

**8. An Ordinance Revising The Annual Budget Ordinance (Amendment For Brick Crosswalks)**

Mr. Gray presented staff's report. Mr. Gray stated that bids were recently solicited for the construction of new crosswalks in downtown Urbana. There is \$75,000 allocated in the budget to perform the work. The low bid, however, was in the amount of \$84,000 from Duce Construction. Mr. Gray stated that the issue now is whether additional funding should be recommended to complete all of the crosswalk work identified this construction season, or defer the work at two locations: the south leg of Broadway and Elm intersection; and the north leg of the Race and Elm intersection. Another option would be to provide the additional dollars to complete all work this construction season.

Ms Patt wanted to know why the budget should be amended to put in almost 50% more money than the amount needed. What else could end up costing more that would require us to spend more than \$84,000? Mr. Gray responded that it is not unusual for there to be 5% in additional costs that are unforeseen. It is rare that a project goes right to the dollar of what the actual bid is.

Ms Ryan stated that she was confused why the additional cost

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amount is \$6,000 when 5% of \$84,000 is \$4,200. Mr. Gray responded that it was just a matter of rounding off to a \$90,000 cap.

Following debate, Mr. Whelan made a motion to send to Council for approval. Mr. Taylor seconded. The motion carried by voice vote.

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**ADJOURNMENT**

With no further business to come before the Committee,  
Chairman Pollock adjourned the meeting at 10:42 p.m.

Respectfully submitted,

Deborah J. Roberts  
Recording Secretary

\*This meeting was broadcast on cable television.