

**URBANA CITY COUNCIL
MEETING OF COMMITTEE OF THE WHOLE
AGENDA
(Ruth Wyman, Chair)**

DATE: Monday, February 12, 2001

TIME: 7:30 P.M.

LOCATION: Urbana City Council Chambers
400 South Vine Street

AGENDA:

1. Call to Order and Roll Call
2. Additions to the Agenda and Staff Report
3. Minutes of the Previous Meeting
4. Public Input
5. Ordinance No. 2001-02-009: An Ordinance Revising the Annual Budget Ordinance (Airport Road/Cunningham Avenue Study)
6. Resolution No. 2001-02-003R: A Resolution Providing for the Modernization of Traffic Signals at University Avenue (U.S. Route 45) and Race Street
7. Resolution No. 2001-02-004R: A Resolution Approving and Authorizing the Execution of an Agreement With the Illinois Department of Transportation (University Avenue and Race Street)
8. Resolution No. 2001-02-005R: Resolution for Improvement by Municipality Under the Illinois Highway Code (University Avenue and Race Street)
9. Ordinance No. 2001-02-010: An Ordinance Authorizing the Mayor to Enter Into an Agreement to Amend the Cable Franchise (Emergency Alert Signal Overrides)
10. Ordinance No. 2001-02-011: An Ordinance Relating to Civil Service (Police Corp Cadet)
11. Discussion: Utility Tax
12. Update on Nuisance Ordinance
13. Adjournment

UNAPPROVED

COMMITTEE OF THE WHOLE

January 22, 2001

7:30 P.M.

Committee Members Present:

James Hayes, Laura Huth, Carolyn Kearns, Esther Patt (Chair), John Taylor (arrived at 7:45 p.m.)
Joseph Whelan, and Ruth Wyman - 7.

Committee Members Absent:

None.

Staff Members Present:

Phyllis Clark, Mayor Satterthwaite, Bill Gray, Pat Pioletti, Jack Waaler, and Bruce Walden.

Others Present:

Members of the Media

Meeting Location:

Urbana City Council Chambers

There being a quorum, Chair Patt called the meeting to order at 7:36 p.m.

Additions to the Agenda and Staff Report

There were none.

Minutes of Previous Meeting

Ms. Kearns moved to approve the minutes of the December 11, 2000 meeting of the Committee of the Whole. The motion was seconded by Mr. Whelan and carried by a voice vote.

Public Input

Chair Patt stated that she had an inquiry from one of her constituents regarding the nuisance ordinance that had been discussed but had never been approved. Public Works Director Bill Gray stated that an update would be presented at the February 12, 2001 regular meeting of the Committee of the

Resolution No. 2001-01-001R: A Resolution Approving and Authorizing the Execution of an Agreement With the Illinois Department of Transportation (Cunningham Avenue/University Avenue/Vine Street); Resolution 2001-01002R: A Resolution for Improvement by Municipality Under the Illinois Highway Code (Cunningham Avenue/University Avenue/Vine Street); Ordinance No. 2001-01-004: An Ordinance Amending Schedule J of Section 23-183 of the Urbana Local Traffic Code Prohibiting Parking at All Times on Certain Streets (Cunningham Avenue/University Avenue/Vine Street); and Ordinance No. 2001-01-005: An Ordinance Regulating Encroachment on Public Right-Of-Way in the City of Urbana, Champaign County, Illinois (Cunningham Avenue/University Avenue/Vine Street)

Public Works Director Bill Gray presented staff report on the above-mentioned resolutions and ordinances.

The Illinois Department of Transportation (IDOT) and the City of Urbana wish to improve the intersection of Cunningham Avenue and University with regard to safety, increased traffic and vehicular delays at this intersection. The work will consist mainly of widening and resurfacing sections of University Avenue and Cunningham Avenue to create additional and longer turn lanes. IDOT will be responsible for preparing plans and receiving specifications, receiving bids and awarding the contract, furnishing engineering inspection during construction and causing the improvement to be build in accordance with the plans, specifications and contract. The funding split will be approximately 75% Federal Funds, 20% State of Illinois and 5% City of Urbana (\$70,000 which includes a 15% contingency).

Resolution No. 2001-01-001R authorizes the Mayor and City Clerk to execute and deliver the agreement on behalf of the City of Urbana. **Resolution No. 2001-01-002R** appropriates the necessary MFT funds for the project. **Ordinance No. 2001-01-004** meets the requirements of the Agreement to prohibit parking within the limits of this improvement. **Ordinance No.2001-01-005** meets the requirements of the Agreement to prohibit encroachments on public right-of-way within the limits of this improvement.

Following debate, Mr. Whelan moved by omnibus motion to forward **Resolution No. 2001-01-001R: A Resolution Approving and Authorizing the Execution of an Agreement With the Illinois Department of Transportation (Cunningham Avenue/University Avenue/Vine Street); Resolution 2001-01002R: A Resolution for Improvement by Municipality Under the Illinois Highway Code (Cunningham Avenue/University Avenue/Vine Street); Ordinance No. 2001-01-004: An Ordinance Amending Schedule J of Section 23-183 of the Urbana Local Traffic Code Prohibiting Parking at All Times on Certain Streets (Cunningham Avenue/University Avenue/Vine Street); and Ordinance No. 2001-01-005: An Ordinance Regulating Encroachment on Public Right-Of-Way in the City of Urbana, Champaign County, Illinois (Cunningham Avenue/University Avenue/Vine Street)** to the special meeting of the Urbana City Council on January 29, 2001. The motion was seconded by Mr. Hayes and carried by a voice vote.

Ordinance No. 2001-01-002: An Ordinance Revising the Annual Budget Ordinance (City Building H.V.A.C. Improvements)

Public Works Director Bill Gray and Facilities Manager Pat Pioletti presented staff report.

Approved in this fiscal year's budget is \$160,000 to provide engineering and construction funds to improve the heating, ventilating and air conditioning (HVAC) system in the original city building. It is evident that the system needs to be replaced now and an improvement is required for heating and cooling in the staff offices and the Council Chambers.

Due to an investigation of the existing system and the specifics as to how a new HVAC system will be engineered and constructed, the budgeted figure was not adequate. The new projected total is \$210,000. It is recommended that the additional \$50,000 come from the General Reserve Fund. This would not affect any current projects scheduled for this calendar year.

Staff recommends approval of this ordinance.

Following debate, Mrs. Kearns moved to send **Ordinance No. 2001-01-002: An Ordinance Revising the Annual Budget Ordinance (City Building H.V.A.C. Improvements)** to the Special Council Meeting of January 29, 2001 for approval. The motion was seconded by Ms. Wyman and carried by a voice vote.

Ordinance No. 2001-01-001: An Ordinance Regarding Residency of Civil Service Commissioners

City Attorney Jack Waaler presented staff report. The Civil Service statute makes no mention of whether or not commissioners must be residents of the City that Commission serves. A section of the Illinois Municipal Code provides that no person is eligible for an appointed office unless they are a qualified elector of the city. That same statute states that the residency requirement does not apply to city engineers, city attorneys or other officers who require technical training or knowledge. It is unclear whether the exception would cover Civil Service Commissioners so it is best to be clear about the residency issue.

Staff suggests that it is in the City's best interests to clarify that residence in the City of Urbana is not a qualification to serve as a Commissioner of the Civil Service Commissions. This action is clearly within our home rule powers.

Following debate, Mr. Hayes moved to send **Ordinance No. 2001-02-001: An Ordinance Regarding Residency of Civil Service Commissioners** to the Special Council Meeting on January 29, 2001 for approval. The motion was seconded by Ms. Wyman and carried by a voice vote.

Ordinance No. 2001-01-003: An Ordinance Amending Ordinance No. 2000-11-140 Regarding Parking on Unapproved Surfaces and Associated Fines

Mr. Waaler presented staff report stating that this ordinance amends ordinance 2000-11-140 where it made an incorrect reference to Section 23-159 of the Urbana Local Traffic Ordinance. The reference should have been to Section 23-160. This ordinance merely corrects that error.

Mr. Whelan moved to send **Ordinance No. 2001-01-003: An Ordinance Amending Ordinance No. 2000-11-140 Regarding Parking on Unapproved Surfaces and Associated Fines** to the Special

Council meeting on January 29, 2001. The motion was seconded by Ms. Wyman and carried by a voice vote.

Closed Session

Ms. Wyman moved that Committee enter into closed session for the purpose of discussing property acquisition. The motion was seconded by Ms. Huth and carried 7-0 by roll call vote. Voting aye were Members of the Council: Hayes, Huth, Kearns, Patt, Taylor, Whelan and Wyman – 7; voting nay: none.

The Committee entered into closed session at 8:00 pm and reconvened at 8:25 p.m. with all Members previously in attendance still present.

ADJOURNMENT

There being no further business to come before the Committee, Chair Patt declared the meeting adjourned at 8:32 p.m.

Respectfully submitted,

Elaine Taylor
Recording Secretary

*This meeting was taped.

**This meeting was broadcast on cable television.

MINUTES APPROVED:



**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS**

ADMINISTRATION

M E M O R A N D U M

TO: Bruce K. Walden, Chief Administrative Officer

FROM: William R. Gray, P.E., Public Works Director

DATE: February 8, 2001

RE: **Budget Amendment Ordinance**
Airport Road and Cunningham Avenue Intersection Design Study

INTRODUCTION

With the recent approvals of the O'Brien, Farm and Fleet, and Frasca Agreements on January 29, 2001, it is anticipated that improvements to Airport Road between Cunningham Avenue and Willow Road could occur in calendar year 2003 and no later than calendar year 2004. A major component to this improvement would be the intersection work at Airport Road and Cunningham Avenue.

The Illinois Department of Transportation [IDOT] will participate in all costs associated with work within the Cunningham Avenue right-of-way. In order for IDOT to properly budget for these expenditures in 2003, IDOT must have an approved Intersection Design Study [IDS] and an estimate of construction costs before the end of this calendar year. For this to occur, a consultant must be authorized to perform an IDS, similar to what occurred at Anthony Drive and Cunningham Avenue. It is estimated that an IDS will cost approximately \$20,000.

FISCAL IMPACT

In order to prepare for the IDS, it is recommended that \$20,000 be provided for engineering services from the General Reserve Fund.

RECOMMENDATION

It is recommended that the attached budget amendment ordinance in the amount of \$20,000 be approved.

WRG:klf
Attachment

ORDINANCE NO. 2001-02-009

AN ORDINANCE
REVISING THE ANNUAL BUDGET ORDINANCE
(Airport Rd./Cunningham Ave. Study)

WHEREAS, the Annual Budget Ordinance of and for the City of Urbana, Champaign County, Illinois, for the fiscal year beginning July 1, 2000, and ending June 30, 2001, (the "Annual Budget Ordinance") has been duly adopted according to sections 8-2-9.1 et seq. of the Illinois Municipal Code (the "Municipal Code") and Division 2, entitled "Budget", of Article VI, entitled "Finances and Purchases", of Chapter 2, entitled "Administration", of the Code of Ordinances, City of Urbana, Illinois (the "City Code"); and

WHEREAS, the City Council of the said City of Urbana finds it necessary to revise said Annual Budget Ordinance by deleting, adding to, changing or creating sub-classes within object classes and object classes themselves; and

WHEREAS, funds are available to effectuate the purpose of such revision; and

WHEREAS, such revision is not one that may be made by the Budget Director under the authority so delegated to the Budget Director pursuant to section 8-2-9.6 of the Municipal Code and section 2-133 of the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the Annual Budget Ordinance be and the same is hereby revised to provide as follows:

FUND: Capital Improvements
AMOUNT: \$20,000
ADD EXPENSE: Airport Rd./Cunningham Ave. Study
REDUCE: Fund Balance

Section 2. This Ordinance shall be effective immediately upon passage and approval and shall not be published.

Section 3. This Ordinance is hereby passed by the affirmative vote of two-thirds of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council.

PASSED by the City Council this _____ day of _____, ____.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, ____.

Tod Satterthwaite, Mayor



M E M O R A N D U M

TO: Bruce Walden, Chief Administrative Officer
FROM: Joseph L. Smith, Senior Civil Engineer
William R. Gray, Public Works Director
DATE: February 7, 2001
RE: University Avenue and Race Street Traffic Signal
Modernization

INTRODUCTION

The Illinois Department of Transportation has identified the intersection of University Avenue and Race Street as needing traffic signal modernization. The work shall primarily consist of installing new signal posts, signal heads, mast arms detector loops, controller, Emergency Vehicle Preemption system and other miscellaneous improvements. Approximately ninety percent of the funding for the project is being funded by the State of Illinois. The remaining 10% is being funded by the City of Urbana. Attached is the necessary documentation to complete the project.

ISSUES AND DISCUSSION

This attached City-State Agreement requires three resolutions be passed by the City Council. They are as follows:

1. A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION.

This Resolution authorizes the Mayor and City Clerk to execute and deliver the agreement on behalf of the City of Urbana.

2. A RESOLUTION PROVIDING FOR THE MODERNIZATION OF TRAFFIC SIGNALS AT UNIVERSITY AVENUE AND RACE STREET.

This Resolution sets the amount and how the funds are to be paid for the City's share of the project.

3. A RESOLUTION FOR IMPROVEMENT BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE

This Resolution appropriates the use of MFT funds to pay for the City's share of the project.

FISCAL IMPACTS

This project is being totally designed and the contract administered by IDOT personnel. Therefore, there will be minimal staff impacts for administrative review and work progress inspections. After completion of the project, the City will remain responsible for the electrical costs and maintenance of the signals, as per the existing Master Signal Maintenance Agreement. The City will be reimbursed by IDOT for maintenance costs per the percentages outlined in the agreement.

As outlined in the agreement, the City's share of the estimated \$92,000 project cost is \$11,787 or 12.8%. As previously mentioned, this project is being funded by the Illinois Department of Transportation program which funds approximately 87.2%. Without this program, the City would have had to pay 50% of the costs at University Avenue with Race Street. The cost savings to the City is \$34,000 with this program. We have reviewed the cost breakdowns and splits and find them satisfactory. Please be reminded that these costs are estimates and may increase or decrease depending on actual bid prices and construction change orders. All City funds are to be Motor Fuel Tax Funds (E09). Sufficient funds (\$15,000) are being appropriated to allow for a 25% contingency.

RECOMMENDATION

It is recommended that the City Council approve the resolutions as outlined herein at its regularly scheduled meeting of February 19, 2001.

Prepared by:

Joseph L. Smith, P.E.
Senior Civil Engineer

William R. Gray, P.E.
Public Works Director

RESOLUTION NO. 2001-02-003R

**A RESOLUTION PROVIDING FOR THE MODERNIZATION OF TRAFFIC SIGNALS AT
UNIVERSITY AVENUE (U.S. ROUTE 45) AND RACE STREET**

(University Avenue and Race Street)

WHEREAS, the City of Urbana has entered into an Agreement with the State of Illinois for the modernization of the traffic signal at the intersection of University Avenue (U.S. Route 45/FAP 808) with Race Street; known as State Section (28WZ)TS-1; and

WHEREAS, in compliance with the aforementioned Agreement, it is necessary for the City to appropriate sufficient funds to pay its share of the cost of said improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That there is hereby appropriated the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, from any money now or hereinafter allotted to the City to pay for its share of the cost of this improvement as described in the Agreement.

Section 2. That upon award of the contract for this improvement, the City will pay to the Department of Transportation of the State of Illinois in a lump sum from any funds allotted to the City, an amount equal to 95% of its obligation incurred under this Agreement, and will pay to the said Department the remainder of the obligation (including any non-participation costs of FAP Projects) in a lump sum, upon completion of the project based upon final costs.

Section 3. That the City agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated herein proves to be insufficient to cover said cost.

PASSED by the City Council this _____ day of _____, 2001.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor

**A RESOLUTION
APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION**

(University Avenue and Race Street)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That an agreement by and between the City of Urbana, Illinois, and the Illinois Department of Transportation, in the form of the copy of said Agreement attached hereto and hereby incorporated, be and the same is hereby authorized and approved.

Section 2. That 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 hereby 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 _____ day of _____, 2001.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor

AGREEMENT

This agreement, entered into this _____ day of _____, A.D. 20____, by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called the STATE, and the City of Urbana in Champaign County, of the State of Illinois, hereinafter called the CITY;

WITNESSETH

WHEREAS, the STATE and the CITY, in order to facilitate the free flow of traffic and insure safety to the motoring public are desirous of improving the intersection of FAP Route 808 /U.S. Route 45 (University Avenue) with Race Street, State Section (28WZ)TS-1, by modernizing the existing traffic signals which shall include detector loops, controller, controller cabinet, signal posts, signal heads, and mast arms; installing Emergency Vehicle Preemption System requested by the CITY; and by performing all other work necessary to complete the improvement in accordance with approved plans and specifications; and

WHEREAS, the STATE and the CITY are desirous of said improvement in that same will be of immediate benefit to the STATE and the CITY

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. The STATE agrees to make the survey's, obtain all necessary rights-of-way, prepare plans and specifications, receive bids and award the contract, furnish engineering inspection during construction and cause the improvement to be built in accordance with the plans, specifications and contract.

2. The STATE agrees to pay all rights-of-way, construction and engineering costs, subject to reimbursement by the CITY as hereinafter stipulated.
3. It is mutually agreed by and between the parties hereto that the estimated cost and cost proration for this improvement is as follows:

Type of Work	STATE RESPONSIBILITY				CITY RESPONSIBILITY		Total
	Federal Reimbursable		State Matching		Local Participation		
	Cost	%	Cost	%	Cost	%	
Traffic signal installation at University Avenue with Race Street	\$62,000	80	\$ 7,750	10	\$ 7,750	10	\$77,500
Emergency vehicles preemptor system requested by the City	N/A		N/A		\$ 2,500	100	\$ 2,500
Sub-Total	\$62,000		\$ 7,750		\$ 10,250		\$80,000
15% Preliminary Engineering & Construction Cost	N/A		\$10,463		\$ 1,537		\$12,000
Total	\$62,000		\$18,213		\$ 11,787		\$92,000

Participation and reimbursement shall be predicated on the percentages shown above for the specified work. Cost shall be determined by multiplying the final quantities times contract unit prices plus 15% for construction and preliminary engineering.

The CITY's participation toward the traffic signals, excluding the Emergency Vehicle System shall not exceed \$11,140 which represents 125% of their estimated construction and engineering cost. The CITY's participation towards the Emergency Vehicle System, including 15% for construction and engineering cost, is estimated at \$2,875. The total CITY's obligation is approximately \$14,015.00.

4. The CITY shall exercise its franchise right to cause private utilities to be relocated, if required, at no expense to the STATE.
5. The CITY agrees to cause its utilities installed on right-of-way after said right-of-way was acquired by the STATE or installed within the limits of a roadway after the said roadway's jurisdiction was assumed by the STATE, to be relocated and/or adjusted at no expense to the STATE.

6. The CITY has passed a resolution appropriating sufficient funds to pay its share of the cost for this improvement, a copy of which is attached hereto as “Exhibit A” and made a part hereof.
7. The CITY further agrees that upon award of the contract for this improvement, the CITY will pay to the DEPARTMENT of TRANSPORTATION of the STATE OF ILLINOIS in a lump sum from any funds allotted to the CITY, an amount equal to 95% of its obligation incurred under this AGREEMENT, and will pay to the said DEPARTMENT the remainder of the obligation (including any non-participating costs of FA Projects) in a lump sum, upon completion of the project based upon final costs.

The CITY further agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated in “Exhibit A” proves to be insufficient, to cover said cost.

8. Upon acceptance by the STATE of the new traffic signal installation(s), the financial responsibility for maintenance and electrical energy for the operation of the traffic signals shall be proportioned as follows:

<u>Intersection</u>	<u>Level of Maint.</u>	<u>Maintenance</u>	<u>Elect. Energy</u>
U.S. Route 45/ Univeristy Ave. with Race Street	I		
STATE Share		50%	N/A
CITY Share		50%	100%

It is mutually agreed that the actual traffic signal maintenance will be performed by the CITY either with its own forces or through an ongoing contractual agreement.

It is further agreed that the traffic signals shall be maintained to at least the Level of Maintenance shown above and specified in the attached “Exhibit B” made a part hereof.

It is understood that the Level of Maintenance I meets the minimum requirements of the Illinois Manual on Uniform Traffic Control Devices for Streets and Highways.

It is also understood that if, in the judgement of the STATE, the CITY has not provided adequate maintenance for those traffic signals which it has been assigned to maintain, the STATE will, upon giving the 30 days written notice, arrange for the appropriate maintenance efforts and bill the CITY for its share of the costs.

The CITY agrees to bill the STATE for its proportionate share of the traffic signal maintenance costs on a three-month basis. The amount billed shall be the actual costs incurred less any third party damage claims received during the billing period for repair of traffic signals that are the responsibility of the billed party. Any proposed expenditures in excess of \$5,000 for repair of damage to any signal traffic signal installation must be approved by the billed party before the expenditure is made. The STATE reserves the right to examine the records of the CITY to determine that costs billed are fully documented.

The STATE agrees to make arrangements with the local power company to furnish the electrical energy for the operation of the traffic signals. The CITY agrees to pay their proportionate share of this cost as billed by the local power company.

The STATE retains the right to control the sequence and timing of the traffic signals. Payment by the STATE of any or all of its share of maintenance and energy costs is contingent upon the STATE receiving adequate funds in its annual appropriation.

The parties hereto agree that the traffic signal maintenance and energy provisions of this Agreement shall remain in effect for a period of twenty (20) years from the date of its execution or so long as the traffic signals covered by the terms of this Agreement or any amendment hereto remain in place either in their current or some modified configuration, whichever, is the shorter period of time. Such an effective term shall apply unless otherwise agreed in writing by the parties hereto.

9. The STATE agrees to make arrangement with the local power company to furnish the electrical energy for the operation of the traffic signals. The CITY agrees to pay their proportionate share of this cost as billed by the local power company.
10. The CITY agrees to provide written approval of that portion of the plans and specifications relative to the CITY, financial and maintenance obligations described herein, prior to the STATE's advertising for the aforescribed proposed improvement.

This AGREEMENT and the covenants contained herein shall be null and void in the event the contract covering the construction work contemplated herein is not awarded within the three years subsequent to execution of the agreement.

This agreement shall be binding upon and to the benefit of the parties hereto, their successors and assigns.

CITY OF URBANA

Attest

By _____
Mayor

Clerk

_____, 20__

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION
DISTRICT FIVE

By _____
District Engineer

_____, 20__

sjt20.doc



Resolution for Improvement by Municipality Under the Illinois Highway Code

University Avenue and Race Street

BE IT RESOLVED, by the Council of the City of Urbana Illinois that the following described street(s) be improved under the Illinois Highway Code:

Table with 4 columns: Name of Thoroughfare, Route, From, To. Row 1: U.S. Route 45 (University Ave), FAP 808, Race Street, (blank)

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Modernization of traffic signals

and shall be constructed wide and be designated as Section (28WZ) TS-1; City Section 01-00365-00-TL

2. That there is hereby appropriated the (additional) sum of Fifteen thousand dollars Dollars (\$15,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract Specify Contract or Day Labor : and.

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

APPROVED
Date
Department of Transportation
District Engineer

I, Phyllis D. Clark Clerk in and for the City of Urbana County of Champaign hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the City Council at a meeting on February 19, 2001 IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this day of A.D. (SEAL) City Clerk



LEGAL DIVISION
(217) 384-2464
FAX: (217) 384-2460

JACK WAALER
City Attorney

STEPHEN HOLZ
Assistant City Attorney

Memorandum

DATE: February 8, 2001
TO: Mayor Satterthwaite and the Urbana City Council
FROM: Steve Holz
RE: Proposed Amendment to Cable Franchise
Agreement Allowing Limited Exemption from EAS
Override

This memorandum addresses the attached Resolution, much of the history of which is set forth in the preamble of that Resolution. The Resolution allows for the Mayor to enter into an agreement with the Cable Company, Insight Communications, to amend the franchise agreement to allow for limited exemption from the automatic emergency override messages. The proposed Resolution also authorizes limited exemption from the automatic emergency override requirements for two stations, WCIA and WICD, subject to certain conditions that are set forth in the Resolution. The proposed Resolution largely mimics a similar Resolution passed by the Champaign-Urbana Joint Cable and Telecommunications Commission, by which the Commission recommended to the City Council of Urbana and Champaign that the City's respective franchise agreements be amended and that the limited exemptions be authorized. A copy of the Commission's recommendation is attached.

The proposed Resolution differs slightly from the Commission's recommendation. The differences are the conditions set forth in Section 2(e) of the proposed Resolution. Those differences are designed to clarify what was discussed by the Commission as the inevitable result of the fact that a single cable system serves the two cities under separate franchise agreements: either City, independently of the other, can revoke the exemption, with the result that the exemption would be revoked for the entire system.

I anticipate that at least one official from the Urbana Fire Department will be on hand at the meeting of the Committee of the Whole on February 11, 2001 to answer any questions.

RESOLUTION NO. 2001-01

A RESOLUTION

RECOMMENDING AN AMENDMENT TO THE

CHAMPAIGN-URBANA CABLE TELEVISION FRANCHISE

AGREEMENTS EXEMPTING CERTAIN BROADCAST STATIONS FROM THE EMERGENCY ALERT SYSTEM OVERRIDE REQUIREMENTS

WHEREAS, the cable television franchise agreements between the City of Champaign and Insight Communications of Indiana, and the City of Urbana and Insight Communications of Indiana contain the following requirement:

“Within six (6) months of the effective date of this Franchise Agreement, Grantee shall provide the system capability to transmit an emergency alert signal to all participating subscribers, in the form of an audio override capability to permit Grantor to interrupt and cablecast an audio message on all channels simultaneously in the event of disaster or public emergency.”

WHEREAS, the 1996 Cable Act allows for certain channels to seek an exemption from this requirement; and

WHEREAS, by mutual agreement the franchisee and franchisers may allow for such exemptions; and

WHEREAS, the METCAD Manual Override System remains in place; and

WHEREAS two stations, WCIA and WICD have requested exemption from the override requirement; and

WHEREAS representatives of those stations have met with representatives of the Cities's public safety departments and the Joint Cable and Telecommunications Commission to develop procedures for announcement of emergencies by the two stations; and

WHEREAS, the 2 stations, WCIA and WICD, will pay for all equipment and maintenance required to exempt the stations from the Automatic E.A.S. Override; and

WHEREAS, the exempt status will be reviewed every 6 months to ensure proper information is broadcast to local residents.

NOW THEREFORE BE IT RESOLVED THAT THE CHAMPAIGN-URBANA JOINT CABLE AND TELECOMMUNICATIONS COMMISSION recommends the following:

Section 1. That the Cities of Champaign and Urbana and the franchisee, nsight Communications of Indiana, mutually agree to amend the franchise agreements at sections 3.3 to allow requesting broadcast stations, specifically WCIA and WICD, to become exempt from the system-wide E.A.S. override, as follows with underlined text indicating new language:

“Within six (6) months of the effective date of this Franchise Agreement, Grantee shall provide the system capability to transmit an emergency alert signal to all participating subscribers, in the form of an audio override capability to permit Grantor to interrupt and cablecast an audio message on all channels simultaneously in the event of disaster or public emergency. The Grantor may provide exemption to this requirement upon such terms and conditions as it deems appropriate and reasonable to protect public safety.”

Section 3 That limited exemption from the Automatic E.A.S. Override be granted by the City Councils for only two stations, WCIA and WICD, as follows:

- (a) The two stations, WCIA and WICD, shall be exempt only from weather-related Automatic E.A.S. overrides; and

- (b) Each station will broadcast every weather-related warning no more than two minutes after the station's first notification of the warning by the authorized agency (National Weather Service, ESDA, etc.); and
- (c) Each station must continue the automatic E.A.S. interruption for federal, state and local test and emergency messages; and
- (d) The two stations, WCIA and WICD, will pay for all equipment and maintenance required to implement and maintain the limited exemption from the Automatic E.A.S. Override and, if required, to reinstate the full E.A.S. overrides; and
- (e) The success and effectiveness of the limited exemption shall be reviewed by local public safety officials (the Fire Chiefs of the cities of Champaign and Urbana, and the Coordinator of the Champaign County Emergency Services and Disaster Agency) as often as deemed appropriate by those officials, and at least once every six months. Such review may be by public comment or personal observation of the officials. Upon a determination by the public safety officials that the limited exemption or its implementation by the stations does not adequately protect the public safety, the Fire Chief (or designee) of either City may revoke the limited exemption by notifying the stations in writing and requiring the stations to immediately reinstate the full E.A.S. overrides. The stations may appeal any such decision of the public safety officials to the mayor of that respective City, and then to the City Council of that City. The pendency of an appeal shall not excuse a station from immediate compliance with a notice to reinstate the full E.A.S. override.

Section 3 That Chairman Peterson forward this Resolution to the Cities of Champaign and Urbana for consideration at the next possible meeting date.

RESOLUTION NO. _____

PASSED:

APPROVED: _____
Chairman

ATTEST: _____
Vice Chairman

APPROVED AS TO FORM:

City Attorney

City Attorney

RESOLUTION NO. 2001-02-010

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER AN
AGREEMENT TO AMEND THE CABLE FRANCHISE
(Emergency Alert Signal Overrides)

WHEREAS, the cable television franchise agreements between the City of Urbana and Insight Communications of Indiana, and the City of Champaign and Insight Communications of Indiana, each contain the following requirement:

“Within six (6) months of the effective date of this Franchise

Agreement, Grantee shall provide the system capability to transmit an emergency alert signal to all participating subscribers, in the form of an audio override capability to permit Grantor to interrupt and cablecast an audio message on all channels simultaneously in the event of disaster or public emergency.”

and

WHEREAS, by mutual agreement the City of Urbana and Insight may allow for exemption from this requirement within the City of Urbana; and

WHEREAS, the METCAD Manual Override System remains in place; and

WHEREAS two stations, WCIA and WICD, have requested exemption from the override requirement; and

WHEREAS representatives of those stations have met with the Cities’s public safety officials and the Coordinator of the Champaign County Emergency Services and Disaster Agency, and representatives of the Joint Cable and Telecommunications Commission, to develop procedures for announcement of emergencies by the two stations; and

WHEREAS, the 2 stations, WCIA and WICD, will pay for all equipment and maintenance required to exempt the stations from the Automatic E.A.S. Override and to reinstate the Automatic Override; and

WHEREAS, the exempt status will be reviewed at least every 6 months to ensure proper information is broadcast to local residents; and

WHEREAS, the Joint Cable and Telecommunications Commission, by resolution passed at its meeting of January 24, 2001, has recommended approval of the proposed amendment; and

WHEREAS, the Joint Cable and Telecommunications Commission, by the resolution passed at its meeting of January 24, 2001, has recommended approval of a limited exemption from the E.A.S. Override for two stations, WCIA and WICD, subject to certain conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City hereby authorizes the Mayor to execute an agreement with Insight Communications to amend the franchise agreement as follows, with underlined text indicating new language:

“Within six (6) months of the effective date of this Franchise Agreement, Grantee shall provide the system capability to transmit an emergency alert signal to all participating subscribers, in the form of an audio override capability to permit Grantor to interrupt and cablecast an audio message on all channels simultaneously in the event of disaster or public emergency. The Grantor may provide exemption to this requirement upon such terms and conditions as it deems appropriate and reasonable to protect public safety.”

Section 2. Upon complete execution of an amendment to the Franchise Agreement, the City hereby further authorizes a limited exemption from the Automatic E.A.S. Override for two stations, WCIA and WICD, as follows:

- (f) The two stations, WCIA and WICD, shall be exempt only from weather-related Automatic E.A.S. overrides; and
- (g) Each station will broadcast every weather-related warning no more than two minutes after the station's first notification of the warning by the authorized agency (National Weather Service, ESDA, etc.); and
- (h) Each station must continue the automatic E.A.S. interruption for federal, state and local test and emergency messages; and
- (i) The two stations, WCIA and WICD, will pay for all equipment and maintenance required to implement and maintain the limited exemption from the Automatic E.A.S. Override and, if required, to reinstate the full E.A.S. overrides; and
- (j) The success and effectiveness of the limited exemption shall be reviewed by local public safety officials (the Fire Chief of the City of Urbana, who may consult with the Fire Chief of the City of Champaign and with the Coordinator of the Champaign County Emergency Services and Disaster Agency) as often as deemed appropriate by those officials, and at least once every six months. Such review may be by public comment or personal observation of the officials. Upon a determination by the Fire Chief that the limited exemption or its implementation by the stations does not adequately protect the public safety or does not otherwise comply with the terms of this authorization, the Fire Chief (or designee) may revoke the limited exemption by notifying the stations in writing and requiring the stations to immediately reinstate the full E.A.S. overrides. The stations may appeal any such decision of the Fire Chief to the Mayor of the City of Urbana, and then to the City Council. The pendency of an appeal shall not excuse a

station from immediate compliance with a notice to reinstate the full E.A.S.
override.

Section 3. That the Mayor and City Attorney are hereby authorized to take all actions necessary to effectuate the preceding.

PASSED by the vote of the City Council this _____ day of _____, _____.

Phyllis Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

ORDINANCE NO. 2001-02-011

AN ORDINANCE
RELATING TO CIVIL SERVICE
(POLICE CORP CADET)

WHEREAS, it is desirable and in the best interest of the City of Urbana, Illinois to revise and update its Civil Service System; and

WHEREAS, the current Section 2-99 of Article V, Chapter 2 of City Code is not wholly consistent with the City's desire to expand and open its employment process to a greater number of qualified candidates; and

WHEREAS, the proposed changes in the Civil Service Code will provide additional flexibility in the hiring of Police Officers; and

WHEREAS, the additional flexibility will allow the City to continue to pursue and expand its firm commitment to staffing the Urbana Police Department with the best Officers the City can recruit; and

WHEREAS, a program known as the Police Corps Cadet program was established by the federal government, beginning in 1997, to encourage more individuals to go into police work and to enable local governments to hire more police officers; and

WHEREAS, the first graduates of the Police Corps Cadet Program will graduate in June of 2001 from Western Illinois University; and

WHEREAS, a successful candidate in the Police Corps Cadet Program will be at least 21 years of age, a U.S. citizen, a college graduate with a 4-year college B.A. degree in Criminal Justice, will have successfully graduated from the Illinois State Police Training Academy, and will be state-certified as a police officer with no experience; and

WHEREAS, the federal government will pay a \$10,000 annual salary supplement to the agency that hires these cadets for four years; and

WHEREAS, a job candidate's successful completion of the Police Corps Cadet Program is an excellent indicator of dedication, ability, skill, and reliability in the performance of duties in the City's Police Department; and

WHEREAS, the City elects to further clarify its exceptions, pursuant to its Home Rule authority, to the provisions of Division 1, Article 10, of the Illinois Municipal Code, 65 ILCS 5/10-1-1 et seq.;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. Section 2-99, paragraph 2.d. of the Urbana City Code is hereby amended to read as follows, with underlined text indicating new language, strikethrough text indicating language to be deleted, and plain text indicating unchanged language:

2.(d) Any individual who is certified by the State of Illinois Law Enforcement Training and Standards Board or its designated equivalent and who has completed two years of consecutive, full-time service as a Police Officer, and is currently employed as a Police Officer, with any law enforcement agency and who is not on probationary status, shall be certified by the Civil Service Commission for immediate eligibility for appointment as an Urbana Police Officer.

Any individual applicant who is a successful graduate of the federal Police Corps Cadet Program shall be certified by the Civil Service Commission for immediate eligibility for appointment as an Urbana Police Officer.

All individuals appointed pursuant to this paragraph shall be subject to the probation requirements of 2-99(4) and all other probationary requirements that otherwise apply to newly-hired police officers, and must successfully pass the pre-placement background review, medical, psychological, and physical fitness exams required for all entry level Police Officers.

Section 3. The Civil Service Commission shall, by rule,

- provide for the concurrent certification of individuals from the eligibility register and from the pool of experienced Police Department applicants and Police Corps Cadet Program applicants; and
- provide for the certification of individuals solely from the pool of experienced Police Department applicants and Police Corps Cadet Program applicants in the event that no valid eligible register exists.

No experienced applicant or Police Corps Cadet Program applicant under this section shall remain eligible for appointment longer than one (1) year after the date of application, unless the applicant reapplies.

Section 4. This Ordinance shall become effective immediately upon its passage as required by law.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Urbana City Council at a regular meeting of the Council.

PASSED by the City Council this ____ day of _____, ____.

AYE:

NAY:

PRESENT:

Phyllis Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, ____.

Tod Satterthwaite, Mayor

M E M O R A N D U M

TO: Chief Administrative Officer

FROM: Comptroller

RE: Utility Tax

DATE: February 7, 2001

The city receives \$3,436,000 in total utility tax per year. This is broken down as follows:

- 5% tax on telecommunications receipts generates 33% of the total utility tax
- 5% tax on water receipts generates 6% of the total
- Receipts from Ill. Power generates 61% or \$2,107,000. Of the Ill. Power receipts, 74% is from usage of electricity and 26% from natural gas.

Electricity is taxed per kilowatt hour used based on a sliding scale. Increases in price for electricity does not mean an increase in the utility tax. Since July 2000, the tax received from electricity usage has decreased 1% from same 6 month period last year.

Natural gas is taxed at 5% of gross receipts. Any increases in price for natural gas does mean an increase the utility tax. Since July, the tax received from natural gas has increased 41%.

According to Ill. Power the increase in the price of natural gas is directly related to demand and short supply. The price started to increase in October. The price peaked in January when it was approximately 3 times higher than the previous January. Some of this price increase was due to irrational expectation. The market has already adjusted backward in February to approximately 2 times higher than last February. I believe the price will continue to adjust backwards when warmer weather arrives and the demand decreases.

Attached please find a worksheet that shows the city's utility tax broken down by electricity and natural gas. The amounts for the months of July-December 2000 are actual receipts and the amounts for Jan.-June 2001 are my projected amounts. Actual amounts received from June-Dec. 2000 for electricity are 99% of last year's amounts. Actual amounts for natural gas are 41% higher. Total utility tax is up 5%. I had projected a 3% increase due to

annexations and normal inflationary increases. Last year, our total utility tax increased 6.6% and it has averaged a 6.4% increase over the past 3 years, again probably due to annexations, new development and cost increases.

My projections would mean that the city would experience a 7% increase in total utility tax by the end of the fiscal year. This is approximately \$84,400 more than the original 3% estimated. This is entirely due to the price increase in natural gas. This 84,400 divided by 14,000 home units means that the City is collecting an extra \$6 from each home. Each 1% tax on natural gas produces \$109,700 annually. Following are some options if the City decides to alleviate the additional tax burden on taxpayers/homeowners:

- (1) Suspend the 5% tax on natural gas. After passage of the ordinance, it would be necessary to provide 30 days lead time in order for IL. Power to get ICC approval of the change and to implement the new rate. Thus a suspension for the 2 months of April and May could be accomplished which would save taxpayers \$86,000. The tax would then be reinstated starting June 1. This would require an ordinance.
- (2) Reduce the tax on natural gas on a permanent basis. A reduction of $\frac{3}{4}$ of 1% to 4.25% would save taxpayers the \$84,400 on annual basis. This would require an ordinance.
- (3) Reduce some other tax.
- (4) Make contribution to some of the programs that are assisting low income persons to pay bills. The Salvation Army is the authorized representative for the IL. Power Warm Neighbors Program which provides assistance to households. Income guidelines are approximately 200% of federal poverty levels (information on the program can be found on the IL. Power web page). There are probably other programs as well (Urban League). To structure a program that is directed toward Urbana homeowners would require time to work out the details. This would require a budget amendment ordinance spelling out the details and authorizing the expenditure some amount of money.

	total il power utility tax			electricity utility tax			gas utility tax		
	yr. 2000	yr. 1999	% chg.	yr. 2000	yr. 1999	% chg.	yr. 2000	yr. 1999	% chg.
ACTUAL RECEIPTS:									
July, 2000	131,872	161,261	-18%	109,435	142,975	-23%	22,437	18,286	23%
August	217,866	181,101	20%	187,616	166,571	13%	30,250	14,530	108%
September	138,187	162,454	-15%	117,158	140,837	-17%	21,029	21,617	-3%
October	162,883	173,002	-6%	136,347	151,834	-10%	26,536	21,168	25%
November	218,304	161,324	35%	180,875	136,048	33%	37,429	25,276	48%
December	152,386	131,336	16%	94,598	93,243	1%	57,788	38,093	52%
subtotal	1,021,498	970,478	5%	826,029	831,508	-1%	195,469	138,969	41%
ESTIMATED RECEIPTS:									
Jan, 2001	195,456	162,576	20%	116,002	117,174	-1%	79,454	45,402	75%
Feb	219,474	195,303	12%	130,268	131,584	-1%	89,206	63,719	40%
Mar	206,471	189,153	9%	140,879	142,302	-1%	65,592	46,851	40%
Apr	138,615	129,736	7%	89,686	90,592	-1%	48,929	39,144	25%
May	142,504	137,183	4%	104,259	105,312	-1%	38,245	31,871	20%
June	182,854	179,085	2%	151,088	152,614	-1%	31,766	26,471	20%
total	2,106,872	1,963,514	7%	1,558,211	1,571,086	-1%	548,661	392,427	40%

last year increase in utility tax increased 6.6% and has averaged increase of 6.4% over last 3 years.



ENVIRONMENTAL MANAGEMENT DIVISION

M E M O R A N D U M

TO: Bruce Walden, Chief Administrative Officer
FROM: Bill Gray, Public Works Director
Rod Fletcher, Environmental Manager
DATE: February 8, 2001
RE: Nuisance Ordinance Amendments

Due to the considerable workload needs required of the Central Waste Services Siting Request and recent public hearing, staff has been unable to prepare further language to present to Committee for consideration, other than what has previously been presented. It is staff's desire to adopt these amendments as soon as possible.

Staff intends to present an ordinance for further discussion at the Committee Meeting of February 26. This document will make the following proposed amendments:

1. Amend current Chapter 10: Solid Waste Management.
2. Create new Article IV: entitled "Nuisances", in Chapter 11.
3. Create Division 1: entitled "Generally", in Article IV. [This Division sets forth overall nuisance provisions/procedures for subsequent Divisions in this Article.]
4. Create Division 2: entitled "Municipal Waste".