



DATE: Monday, August 21, 2023
TIME: 7:00 PM
PLACE: 400 South Vine Street, Urbana, IL 61801

AGENDA

Chair: *Grace Wilken, Ward 6*

A. Call to Order and Roll Call

B. Approval of Minutes of Previous Meeting

1. 06-05-2023 Minutes

C. Additions to the Agenda

D. Presentations and Public Input

E. Staff Report

F. New Business

1. **Ordinance No. 2023-08-028:** An Ordinance Approving a Major Variance (Front Yard Encroachment at 410 North Lincoln Avenue / ZBA-2023-MAJ-02) - CD
2. **Ordinance No. 2023-08-029:** An Ordinance Amending Urbana City Code Chapter 24, Article VI (Urbana Public Television Commission) - Exec
3. **Ordinance No. 2023-08-030:** An Ordinance Amending Urbana City Code Chapter Three, Section 3-43 (Increasing the number of Class A liquor licenses for Urbana Boulders, LLC, d/b/a Urbana Boulders, 1502 ½ Cunningham Avenue, Urbana, IL) - Exec
4. **Resolution No. 2023-08-078R:** A Resolution Approving an Intergovernmental Agreement Concerning Geographic Information System Services - PW
5. **Ordinance No. 2023-08-031:** An Ordinance Amending Section 24-172 of the Urbana City Code and the Schedule of Fees Pertaining to the Stormwater Utility Fee - PW

G. Council Input and Communications

H. Adjournment

PUBLIC INPUT

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions, and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and the general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner. Public Input will be taken in the following ways:

Email Input

Public comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted) at the following: citycouncil@urbanaininois.us. The subject line of the email must include the words "PUBLIC INPUT" and the meeting date. Your email will be sent to all City Council members, the Mayor, City Administrator, and City Clerk. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted. Copies of emails will be posted after the meeting minutes have been approved.

Written Input

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

Verbal Input

Protocol for Public Input is one of respect for the process of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

Public comment shall be limited to no more than four (4) minutes per person. The Public Input portion of the meeting shall total no more than one (1) hour, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting. The presiding officer may give priority to those persons who indicate they wish to speak on an agenda item upon which a vote will be taken.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under "Verbal Input". Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker's microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the

meeting record.

Accommodation

If an accommodation is needed to participate in a City meeting, please contact the City Clerk's Office at least 48 hours in advance so that special arrangements can be made using one of the following methods:

- Phone: 217.384.2366
- Email: CityClerk@urbanillinois.us



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Kimberly Smith, Community Development Services Director
 Marcus Ricci, AICP, Planner II

DATE: August 21, 2023

SUBJECT: **An Ordinance Approving a Major Variance** (Front Yard Encroachment at 410 North Lincoln Avenue / ZBA-2023-MAJ-02)

Introduction

On behalf of GSA Group, Tim Chao requests a major variance to reduce a portion of the required front yard from 15 feet to seven feet, eight inches, for a length of 33 feet along the front of the building's west entrance, at 410 North Lincoln Avenue, in the B-3 (General Business) Zoning District.¹ Decreasing the front yard by seven feet, four inches (49 percent) requires a major variance.²

At its July 19, 2023, meeting, the Zoning Board of Appeals unanimously recommended, with seven ayes and zero nays, that City Council APPROVE the request with one condition. Staff concurs with this recommendation.

Background

The property houses Gather Guest Suites and BakeLab Café, and is a corner lot at North Lincoln and West University Avenues. The property has required front yards of 15 feet on both of its frontages. BakeLab Café has been providing outdoor seating at its entrance along North Lincoln Avenue since the café opened in 2021. Part of this dining area is in the required front yard but, since they were only using tables and chairs, it was allowed by the Urbana Zoning Ordinance. In response to customer requests to provide shelter for the seating area, Mr. Chao had two pergolas installed earlier this summer. The pergolas are located in the required front yard.

More background and site details are available in the Staff Report in Council Exhibit A.

Summary of Findings

The Zoning Board of Appeals agreed with the findings of fact in the Staff Report, including that the special circumstances and practical difficulty for this parcel are that the existing café use is more common in zoning districts that do not require minimum yards to separate the structure from neighboring users. They also agreed that the variance would not be a special privilege, would not alter the character of the neighborhood, would not create a nuisance to the adjacent properties, and is the

¹ Urbana Zoning Ordinance, Table VI-3 – Development Regulations.

² Urbana Zoning Ordinance, Section XI-3.C.2.b.1 – Zoning Board of Appeals; Powers & Duties of the Board; Minor Variances: A minor variance can allow the reduction of the depth of a required front yard up to 25 percent.

minimum deviation possible from the Zoning Ordinance to provide a structure large enough to shelter the existing outdoor dining area.

Full staff findings are available in the Staff Report in Council Exhibit A and the public hearing minutes are available in Exhibit B.

Public Input

Staff published a legal notice in *The News-Gazette* to notify the public of the request and public hearing. Staff also sent letters to 19 neighboring property owners and posted a public hearing sign on the property. Staff received no correspondence regarding the variance request. One nearby resident spoke in favor of the request at the public hearing (see Council Exhibit B).

Board Vote and Recommendation

On July 19, 2023, the Zoning Board of Appeals voted unanimously, with seven ayes and zero nays, to recommend that City Council **APPROVE** the requested major variance based on the findings in the Staff Report that the request generally met the variance criteria, with one condition:

1. That the structures generally conform to the site plan submitted in the application.

Staff concur with the Board's recommendation.

Attachments: Draft Ordinance
Council Exhibit A: 7/19/2023 ZBA Meeting Staff Report, including Exhibits
Council Exhibit B: DRAFT 7/19/2023 ZBA Meeting Minutes

cc: Tim Chao, dba BakeLab Café, Applicant
Steven Johnson, GSA Group, Owner

ORDINANCE NO. _____**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(Tim Chao, for GSA Group, at 410 North Lincoln Avenue / Case No. ZBA-2023-MAJ-02)

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, Tim Chao, on behalf of GSA Group, requests a major variance to reduce a portion of the required front yard from the required 15 feet to seven feet, eight inches, for a length of 33 feet along the front of the building’s west entrance, at 410 North Lincoln Avenue, in the B-3 (General Business) Zoning District; and

WHEREAS, the Zoning Board of Appeals held a public hearing on this request at 7:00 p.m. on July 19, 2023, in Case ZBA-2023-MAJ-02; and

WHEREAS, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

WHEREAS, the Zoning Board of Appeals voted seven (7) ayes and zero (0) nays to forward the case to the Urbana City Council with a recommendation to approve the requested variance, with one condition; and

WHEREAS, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(e), of the Urbana Zoning Ordinance; and

WHEREAS, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. The requested front yard variance would allow retroactive approval of two existing pergolas to provide shelter for existing outdoor dining space at the BakeLab coffee shop, located within the Gather Guest Suites building.
2. The special circumstance and practical difficulty for this parcel are that the existing use is more common in zoning districts that do not require minimum yards to separate the structure from neighboring users, and that granting the variance would not be a special privilege as there are few neighboring uses that have outdoor dining and cannot accommodate it because of the proximity of the structure to the property line.
3. The variance is requested to meet the demand for outdoor dining for longer periods of time – a situation not deliberately created by the applicant, but welcomed – which would require covering the outdoor dining area with a structure such as the proposed pergolas.
4. The variance would not alter the character of the neighborhood, as it would not increase customers or vehicular traffic, and an adjacent business has covered outdoor dining.
5. The variance would not create a nuisance to the adjacent property, as it would not obstruct traffic or create a significant distraction to drivers.
6. The variance is the minimum deviation possible from the Zoning Ordinance to provide a structure large enough to shelter the existing outdoor dining area, and the applicant requests a reduction of the minimum front yard only for the 33-foot length of the alcove in which the outdoor dining area is located.

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

Section 1.

In Case No. ZBA 2023-MAJ-02, the major variance requested by Tim Chao, on behalf of GSA Group, to reduce a portion of the required front yard from the required 15 feet to seven feet, eight inches, for a length of 33 feet along the front of the building's west entrance, is hereby approved in

the manner proposed in the application with the following condition: that the structures generally conform to the site plan submitted in the application, as shown in Attachment A.

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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

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

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this date day of Month, Year.

Diane Wolfe Marlin, Mayor

Attachment A

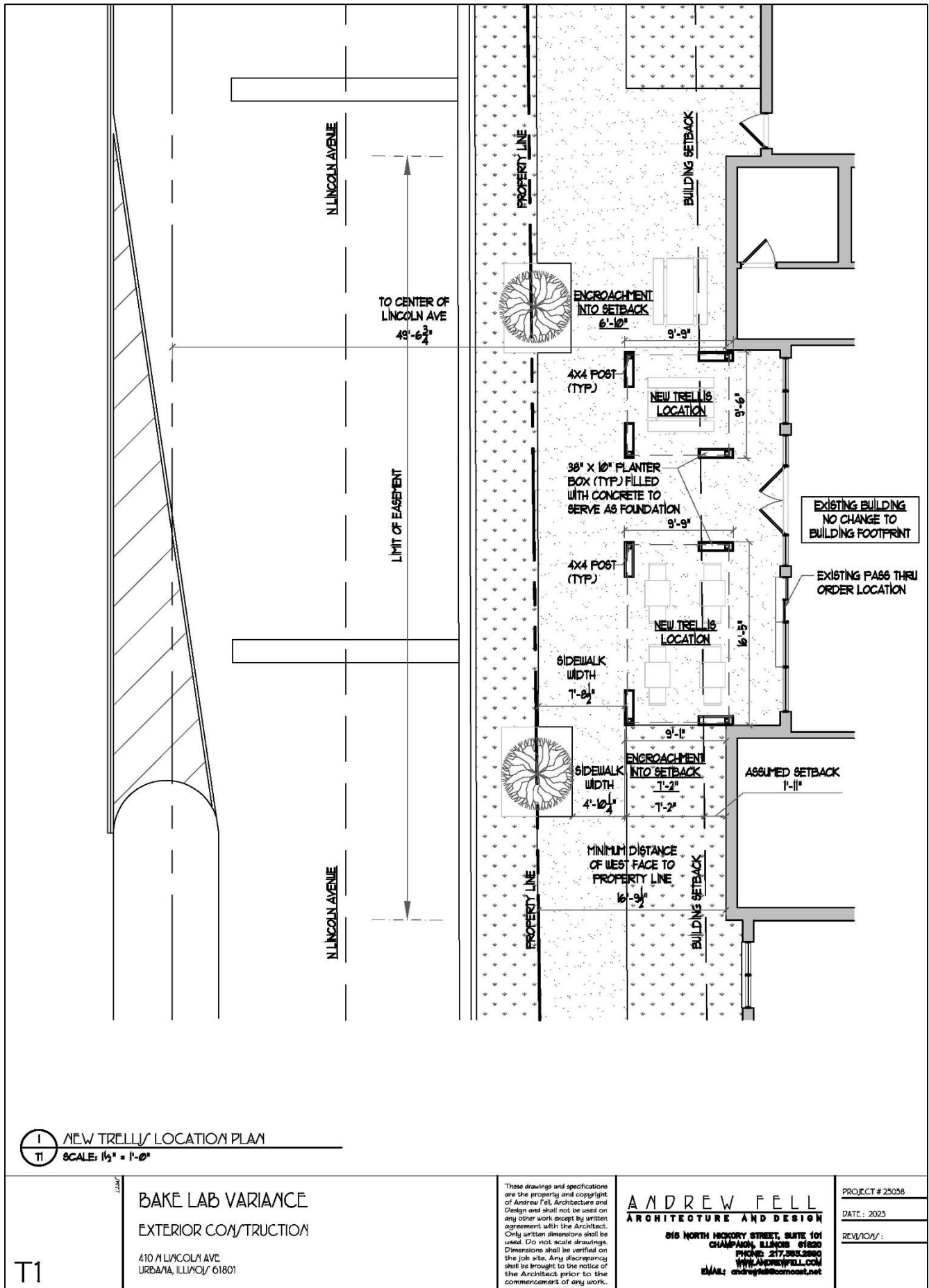
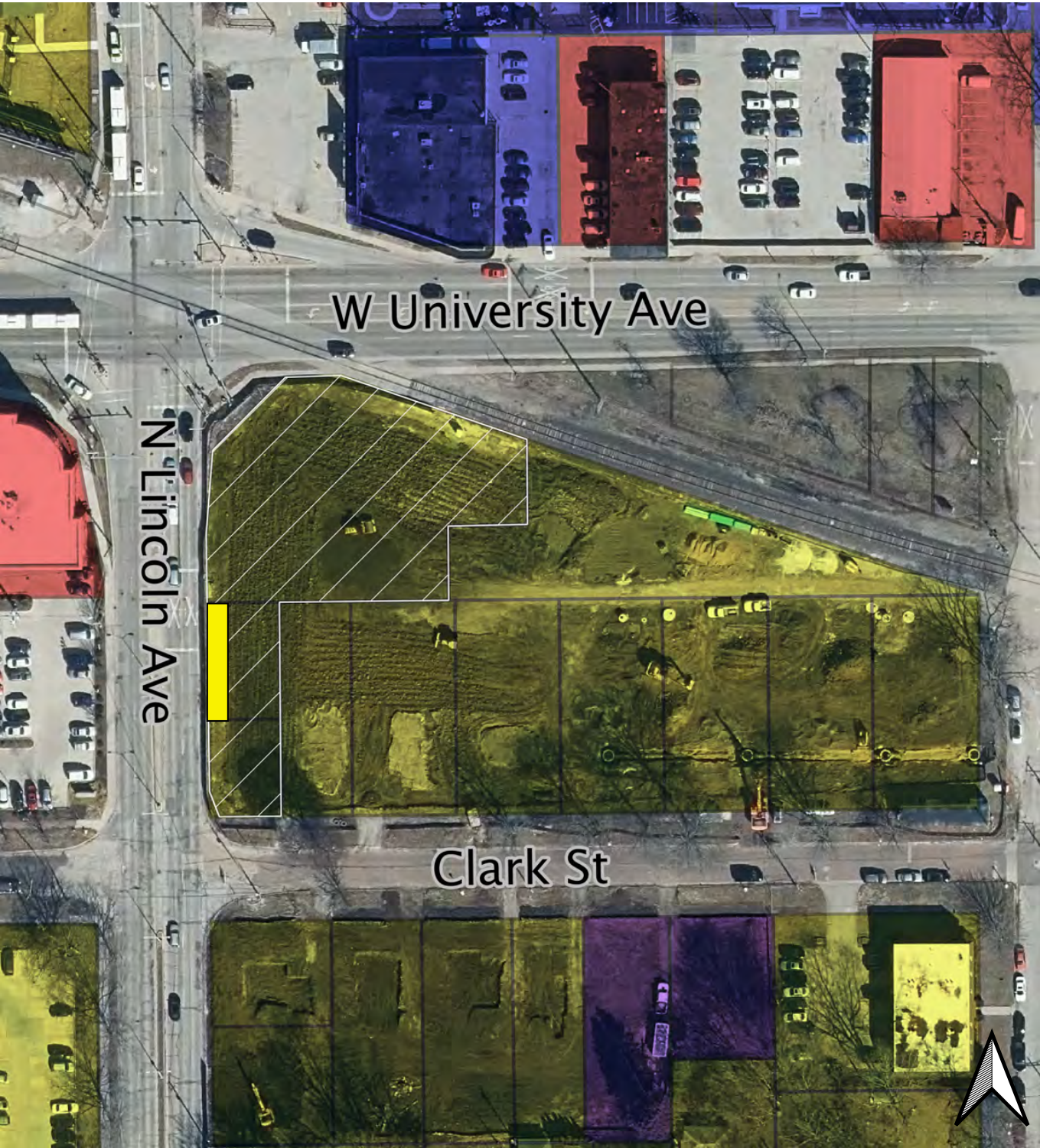


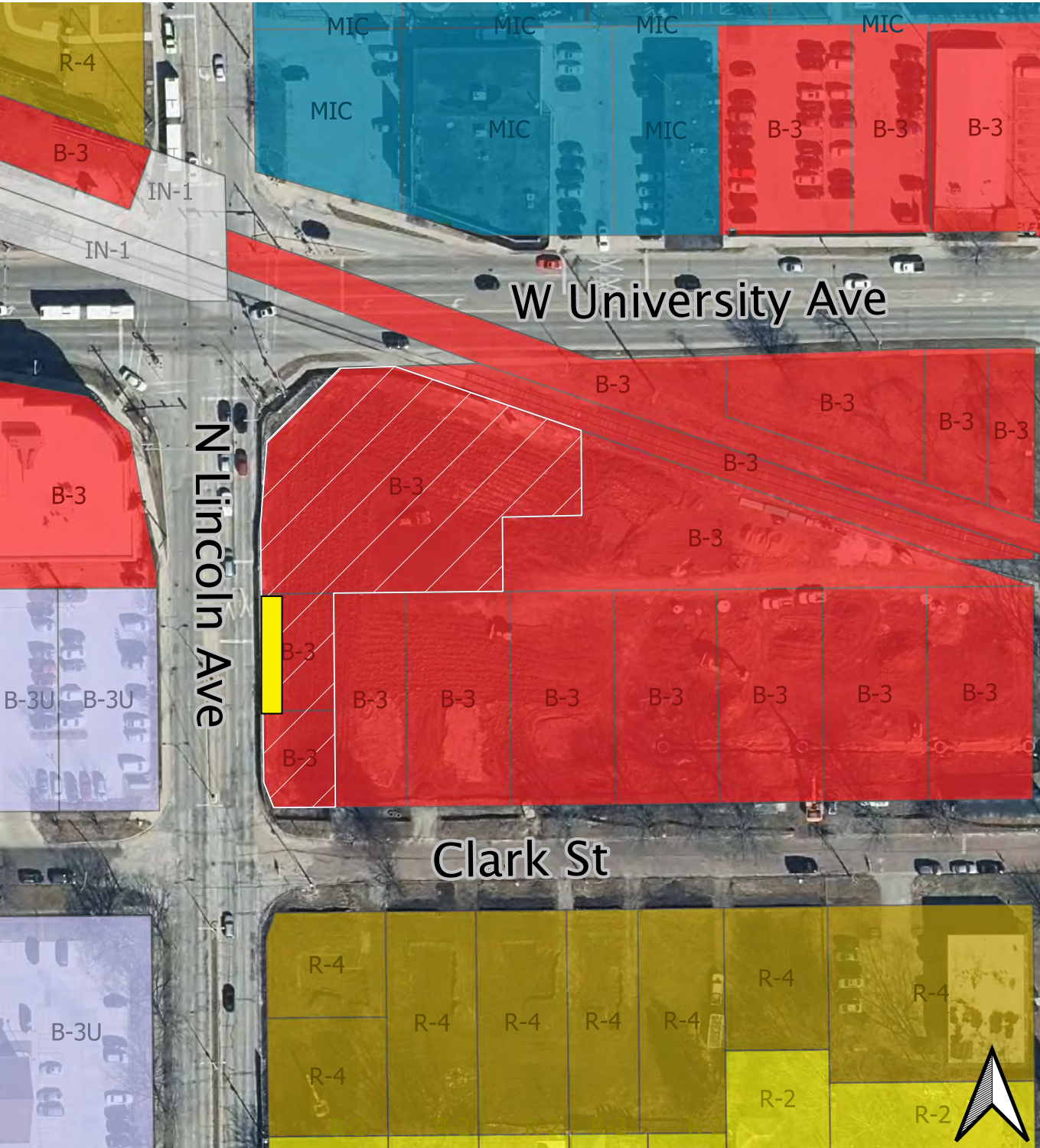
Exhibit A - Location & Land Use



Case: ZBA-2023-MAJ-02
Subject: BakeLab Major Variance
Location: 410 North Lincoln Avenue
Applicant: Tim Chao on behalf of GSA Group

- Subject Property
- Residential
- Shopping, business, or trade
- Industrial, manufacturing, and waste-related
- Social, institutional, or infrastructure-related
- Variance Location

Exhibit B - Zoning



Case: ZBA-2023-MAJ-02
Subject: BakeLab Major Variance
Location: 410 North Lincoln Avenue
Applicant: Tim Chao on behalf of GSA Group

- Subject Property
- B-3
- B-3U
- IN-1
- MIC
- R-4
- R-5
- Variance Location

Exhibit C - Variance Application with Site Plan (Excerpt)

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

The building was initially constructed with no prospective tenant in this space. As such, no provisions were considered for what specific type of business would occupy the space. It could not have really been anticipated that any business at this location might benefit from an exterior shade and trellis type of installation. It also could not have been anticipated that a business here would be augmented by an exterior structure.

While the building is generally a Residential Use, there are commercial uses in the building. In other districts where commercial uses are present and prominent, there is generally no setback, and the business entry is at the public way. This is a great enhancement to ANY commercial venture. They need customers to survive, and the customers require easy access to the business. This is in part what is being accomplished thru this Variance. We are able to bring the presence of the business closer to the street and the customers.

Additionally, the structure provides a place to customers to stay and use the space, and even spend additional money. Visible customers bring more customers. More customers is more revenue.. more taxes..... more ability to assist Urbana residents.....

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other properties in the same district.

Bake Lab customers are wishing to remain at the location more frequently, and for longer durations than before, and the business is generally busier. This creates some issues for customers who wish to remain on site to enjoy their purchases.

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the petitioner).

The Variance is being requested to assist in alleviating issues created by a business being successful. When the Bake Lab started, it was not anticipated that customers would prefer to sit and enjoy the space in lieu of picking up items and venturing away to the degree that it is currently experiencing.

Since opening, the business has received numerous requests from the neighborhood to address the need for an enhanced shade structure and some sort of barrier for a degree of privacy and safety along Lincoln Avenue. The simple regulations of the B-3 District are a hinderance to this building and neighborhood enhancement.

Exhibit C - Variance Application with Site Plan (Excerpt)

Explain how the variance will not alter the essential character of the neighborhood.

There will be no additional customers or traffic or any other difference in the use of the space except that a greater portion of it will be covered. Nothing about this Variance will detrimentally affect the public. The only affect appears to be to provide an amenity that the public has been asking for.

It does not intrude into the public way or interfere with any use of the public way or entry into the existing building.

Explain why the variance will not cause a nuisance to adjacent property.

There is no real other property Owner close to this location. The people most closely affected are the residents of the building, who have also expressed a high degree of interest in seeing this Variance approved.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

It does. Allowing a Variance to a lessor encroachment into the setback results in a structure that is too small practically to be of general benefit.

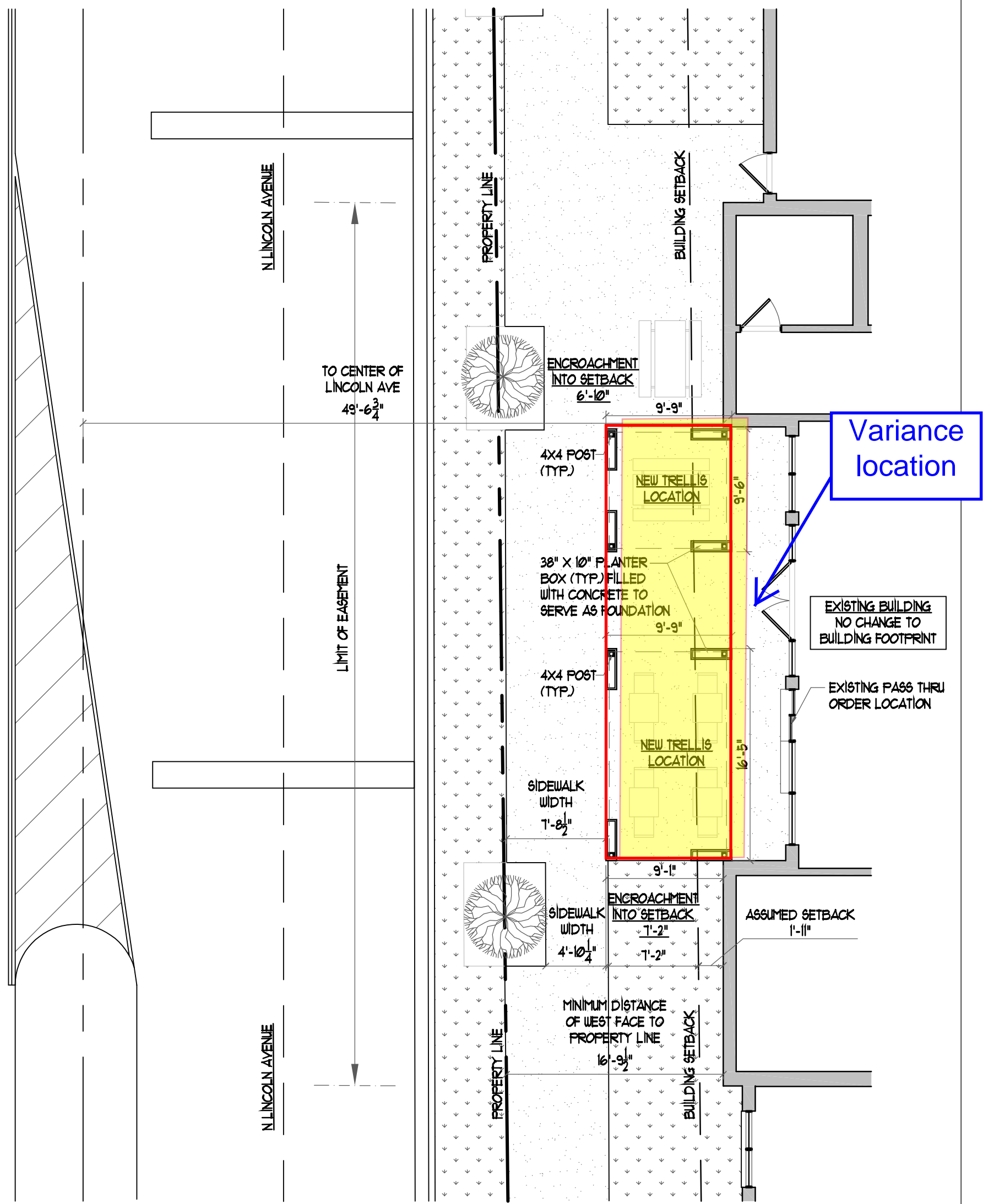
Exhibit C - Variance Application with Site Plan (Excerpt)

Lots pt 16, pt 17, pt 18 Busey's, Col. M.W., Heirs Add and other lan

OWNERSHIP INFORMATION

Urbana Illinois Propco, LLC
250 Fillmore Street, Suite 150
Denver, Colorado, 80206-0000

Exhibit C - Variance Application with Site Plan (Excerpt)



1 NEW TRELLIS LOCATION PLAN
T1 SCALE: 1/2" = 1'-0"

T1

BAKE LAB VARIANCE
EXTERIOR CONSTRUCTION

410 N LINCOLN AVE
URBANA, ILLINOIS 61801

These drawings and specifications are the property and copyright of Andrew Fell, Architecture and Design and shall not be used on any other work except by written agreement with the Architect. Only written dimensions shall be used. Do not scale drawings. Dimensions shall be verified on the job site. Any discrepancy shall be brought to the notice of the Architect prior to the commencement of any work.

ANDREW FELL
ARCHITECTURE AND DESIGN

515 NORTH HICKORY STREET, SUITE 101
CHAMPAIGN, ILLINOIS 61820
PHONE: 217.383.2890
WWW.ANDREWFELL.COM
EMAIL: andrewfell@comcast.net

PROJECT # 25038

DATE: 2023

REVISION:

Exhibit D - Photos



Fig. 1: Looking east from N. Lincoln Ave.



Fig. 2: Looking southeast from sidewalk.

Exhibit D - Photos

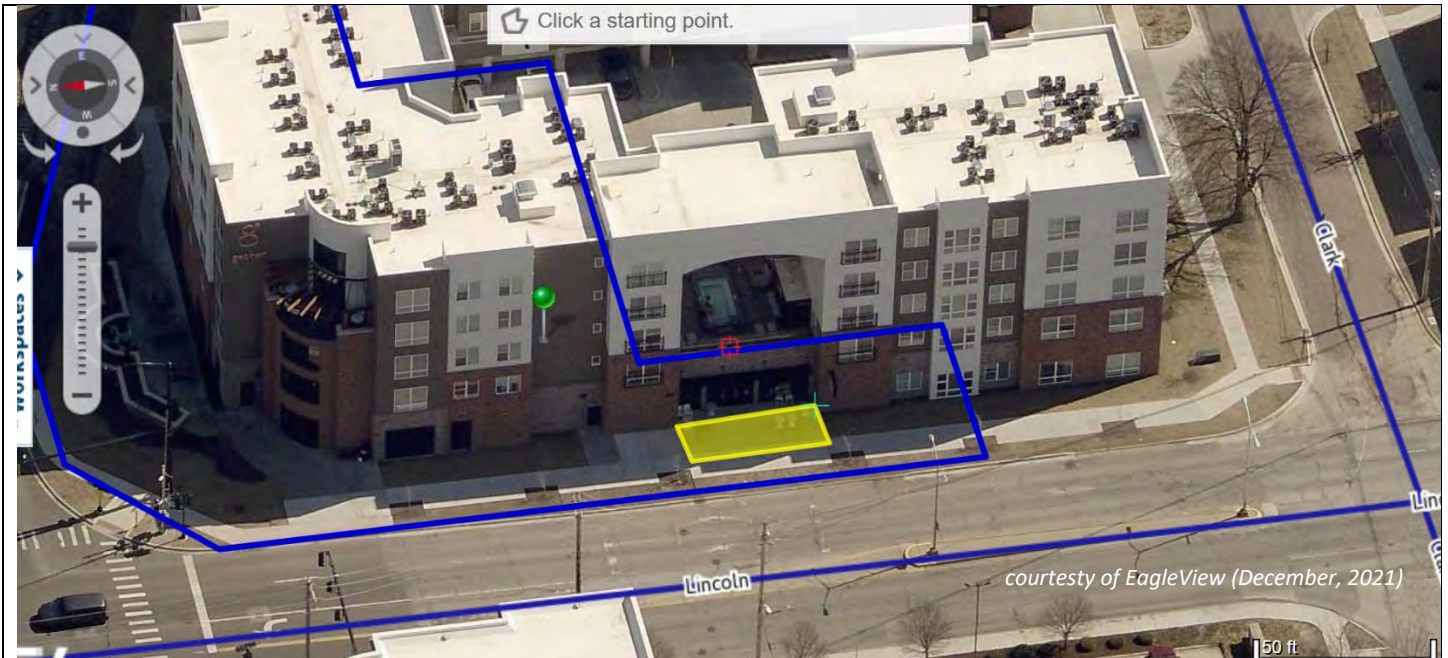


Fig. 3: Aerial looking southeast onto site; variance location is in middle of block, west of entrance alcove.



courtesy of EagleView (December, 2021)

Fig. 4: Aerial looking east onto site; variance location is in middle of block, west of entrance alcove.

Exhibit D - Photos

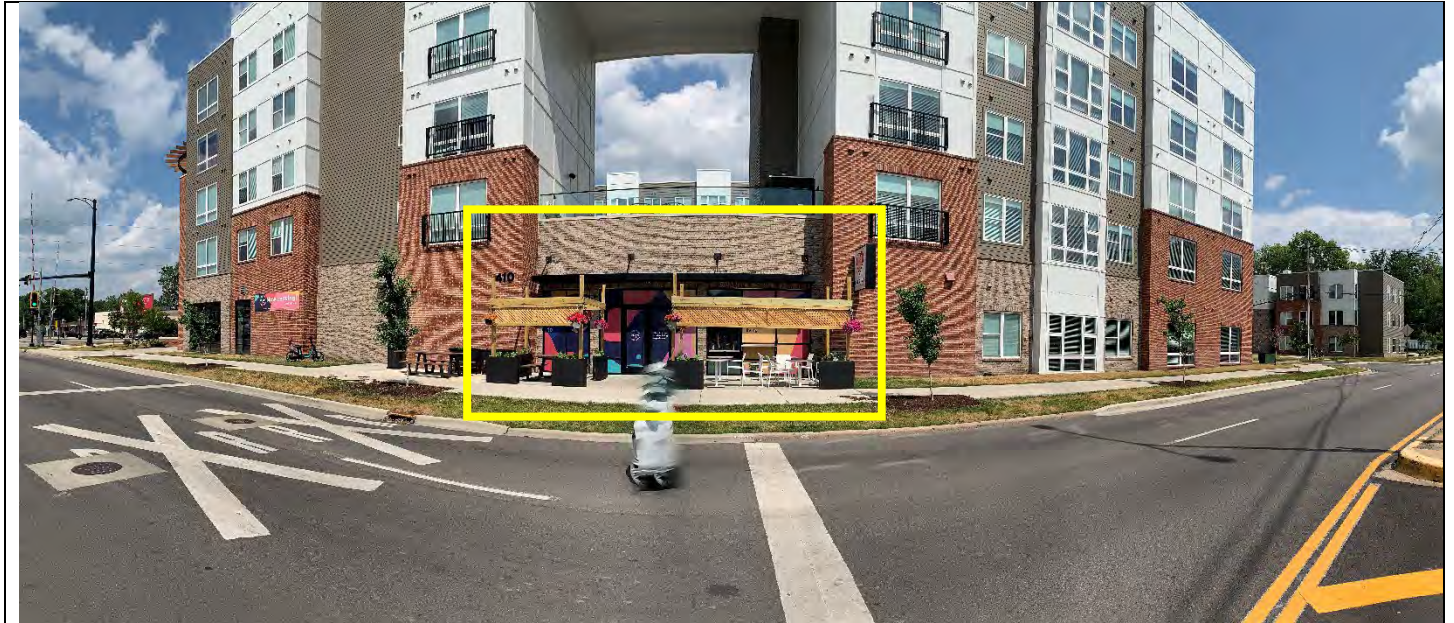


Fig. 5: Looking east from N. Lincoln Ave.



Fig 6: Looking north from southeast corner of outdoor dining area.

July 19, 2023

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DRAFT

DATE: July 19, 2023

TIME: 7:00 P.M.

PLACE: Council Chambers, City Building, 400 South Vine Street, Urbana, Illinois

MEMBERS ATTENDING: Joanne Chester, Matt Cho, Ashlee McLaughlin, Adam Rusch, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

STAFF PRESENT: Marcus Ricci, Planner II; Kimberly Smith, Community Development Services Director; Stepheny McMahon, Economic Development Supervisor; Darius White, Economic Development Coordinator; UPTV Camera Operator

PUBLIC PRESENT: Tim Chao, Eric Ehmann

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5. NEW PUBLIC HEARINGS

ZBA-2023-MAJ-02: A request by Tim Chao, dba BakeLab LLC, on behalf of GSA Group, to reduce a portion of the minimum front yard along North Lincoln Avenue to seven feet, eight inches (49% of the required yard), at 410 North Lincoln Avenue, in the B-3, General Business Zoning District.

Chair Welch opened the public hearing for Case No. ZBA-2023-MAJ-02. Marcus Ricci, Planner II, reviewed the written staff report. He reviewed the options of the Zoning Board of Appeals and presented staff's recommendation for approval.

Chair Welch asked if any of the members of the Zoning Board of Appeals had questions for City staff.

Mr. Warmbrunn asked if the planters and pergola would be up all year round. Mr. Ricci said yes. His understanding is that the solar shade would be removed during the winter months.

Mr. Cho asked for clarification on what would be allowed to encroach into a front yard. Mr. Ricci replied that landscape features, outdoor living areas (such as a raised deck), and building ornamentation pieces (such as cornices and eaves) are permitted to encroach into required front yards.

Mr. Cho asked if the future zoning plan would alleviate the need for this type of request. Mr. Ricci explained that the Future Land Use designation was taken from the 2005 Comprehensive Plan. It is

Council Exhibit B - DRAFT 7/19/2023 ZBA Meeting Minutes

Item F1.

July 19, 2023

possible that the future update of the Comprehensive Plan might direct City staff to make changes to the Zoning Ordinance to allow pergolas in required front yards.

Ms. Uchtmann asked if pergolas have covers. Mr. Ricci said that pergolas typically have a series of vertical slats that act as cover as the sun moves across. Riggs Brewery have solar panels that act as covers. The request is to allow the encroachment of a structure into the required front yard.

With there being no further questions for City staff, Chair Welch reviewed the procedures for a public hearing and then opened the hearing for input from the audience. He invited the applicant to approach the Board to speak on behalf of his request.

Tim Chao, applicant, approached the Zoning Board of Appeals to speak. He stated that this is about having an outdoor café in the Lincoln Avenue corridor that is for everyone to see and enjoy.

Eric Ehmann approached the Zoning Board of Appeals to speak in favor of the proposed request. He stated that the outdoor seating area gives a neighborhood feel to the area. It would be nice to have a cover blocking the sun.

Mr. Welch asked how long Mr. Ehmann has lived in the area. Mr. Ehmann replied seven years.

With there being no additional input from the audience, Chair Welch closed the public input portion of the hearing and opened it for discussion and/or motion(s) of the Board.

Mr. Ricci noted that staff did not add a condition to tie the submitted site plan to the approval; however, the Board could add such a condition. Chair Welch stated that is a good idea.

Mr. Rusch moved that Case No. ZBA-2023-MAJ-02 be forwarded to City Council with a recommendation of approval with the condition that the structures generally conform to the site plan attached in the written staff memo. Ms. Uchtmann seconded the motion.

Roll call on the motion was as follows:

Mr. Cho	-	Yes	Ms. McLaughlin	-	Yes
Mr. Rusch	-	Yes	Ms. Uchtmann	-	Yes
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	Yes			

The motion was passed by unanimous vote. Mr. Ricci announced that this case would be forwarded to Committee of the Whole on Monday, August 21, 2023, and to City Council on Monday, August 28, 2023.

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EXECUTIVE DEPARTMENT

Information Technology Division

Memorandum

To: Mayor Diane Wolfe Marlin
Urbana City Council

CC: Urbana Public Television Commission
Bourema Ouedraogo, UPTV Production Coordinator

From: Sanford Hess, Urbana IT Director

Regarding: A Proposed Ordinance Amending Urbana City Code Chapter 24, Article VI
(Urbana Public Television Commission)

Date: August 17, 2023

The Urbana Public Television (UPTV) Commission was created in April 1997. During its first 20 years, the UPTV – and the Commission – had a more significant role at the City. However, the most recent years have seen a decline in Cable viewership, UPTV membership, and (especially after the pandemic) a decrease in relevance to the community. Simply put: there are many ways for people to film and share their content with the world; it no longer requires a TV camera and a studio.

At this point, the UPTV Commission has no significant role to play, and we recommend that the City Code that created the Commission be repealed.

The ordinance creating the UPTV Commission assigned it two duties (besides adopting rules of procedure):

- **Policies.** “The commission shall advise the city administration on the content of PEG access cable policies relating to Urbana Public Television and may suggest changes to policies.”
- **Hearing of disputes.** “The commission, upon the request of an aggrieved member adversely affected by a final decision of the administration, shall hear and make a final determination of disputes regarding: 1. Membership in UPTV; 2. Discipline of members of UPTV; 3. Restrictions imposed by the administration on cable-cast of specific programs on UPTV after complaints have been received by the administration about the programs' content.”

Neither of these duties has been necessary for some time.

- **Policies.** The City’s policies for UPTV were last updated in 2019, and with the diminished UPTV membership over time, they show no need for updates. The 2019 updates were made on the initiative of staff, and the UPTV Commission suggested only minor updates before approving them.
- **Hearing of disputes.** There have been no disputes from aggrieved UPTV members in the 10 years since I joined the City in 2013. Two complaints were shared with the Commission (in 2014 and 2018), but both were from UPTV **viewers** who objected to content shown on UPTV. (In both cases, UPTV did not change its programming.)

During the time when the City had a UPTV Station Manager, UPTV Commission meetings contained a summary of UPTV initiatives, statistics on programming, a summary of social media views, and the ever-popular clips reel.

Since the City's last Station Manager left in 2021, the position has not been filled – and as reported during Budget presentations in June 2023, the position is no longer being funded. Without staff to sustain and drive the UPTV programming and membership efforts, there has been no relevant content for the meetings. Without content for the meetings, they provide little value, but simply consume time and effort from the Commissioners and staff.

In accordance with ongoing goals for City operations to be more efficient and focused, we recommend approval of the attached Ordinance to amend the City Code that established the UPTV Commission.

Attachment: Draft Ordinance

ORDINANCE NO. 2023-08-XXX**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 24, ARTICLE VI
(Urbana Public Television Commission)**

WHEREAS, the City of Urbana (the “City”) is a home rule unit of local government pursuant to Article VII, Section 6 of the Illinois Constitution of 1970 and may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the creation and dissolution of boards and commissions to assist with the performance and functioning of its governmental affairs; and

WHEREAS, on or about April 21, 1997, the City adopted Ordinance No. 9697-121, which created and established the Urbana Public Television Commission, which creation and establishment is currently memorialized in Chapter 24, Article VI, Sections 24-150 through 24-156 of the Urbana City Code (hereinafter, the “UPTVC Ordinance”); and

WHEREAS, the primary stated purpose of the Urbana Public Television Commission is to “advise the city administration on the content of PEG access cable policies relating to Urbana Public Television and may suggest changes to policies.” UCC Sec. 24-156; and

WHEREAS, the Urbana Public Television Commission’s duties are no longer needed by the City of Urbana, because the City no longer requires advising on cable policies as the City lacks the resources to develop and program content from non-government sources.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, AS FOLLOWS:

Section 1. Chapter 24, Utilities, Article VI, Public, Education, Government Access Cable Television, Sections 24-151 through 24-156 of the Urbana City Code shall be and hereby are repealed effective upon adoption of this Ordinance.

Section 2. Chapter 24, Utilities, Article VI, Public, Education, Government Access Cable Television, Section 24-150 – Urbana Public Television; establishment, Subsection (b) shall be modified by deleting the clause: “...except as specifically reserved to the Urbana Public Television Commission by ordinance.”

Section 3. Effective upon adoption of this Ordinance, the City of Urbana shall officially dissolve the Urbana Public Television Commission.

Section 4. Effective upon adoption of this Ordinance, all terms of those commissioners who have been appointed by the City of Urbana to serve on the Urbana Public Television Commission shall be deemed to and hereby expire.

Section 5. Notwithstanding anything to the contrary contained in this Ordinance, the City of Urbana shall retain such records pertaining to and/or created by, for, or on behalf of the Urbana Public Television Commission by the City of Urbana and any of its employees in compliance with the laws of the State of Illinois concerning the retention and destruction of local governmental records.

Section 6. Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 7. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action accrued or existing prior to the effective date of this Ordinance; nor shall any right or remedy or any character be lost, impaired, or affected by this Ordinance.

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

PASSED BY THE CITY COUNCIL this _____ day of _____, 2023.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2023.

Diane Wolfe Marlin, Mayor



MEMORANDUM

TO: City Council
FROM: Diane Wolfe Marlin, Mayor and Local Liquor Control Commissioner
Kate Levy, Deputy Local Liquor Control Commissioner
DATE: August 21, 2023
RE: **Increasing the Number of Class A Liquor Licenses for Urbana Boulders, LLC
d/b/a Urbana Boulders, 1502 1/2 Cunningham Avenue, Urbana, IL**

Urbana Boulders, LLC, has applied for a Class A (Retail On-Premise) liquor license for the establishment located at 1501 1/2 Cunningham Avenue in Urbana.

The total number of Class A licenses will increase from seven to eight.

ORDINANCE NO. _____

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER THREE, SECTION
3-43

(Increasing the number of Class A liquor licenses for Urbana Boulders, LLC, d/b/a Urbana Boulders, 1502 ½ Cunningham Avenue, Urbana, IL)

WHEREAS, the City Council heretofore has adopted Urbana City Code Section 3-43 to establish limits on the number of liquor licenses issued in the City in this Class A designation; and

WHEREAS, the City Council finds that the best interests of the City are served by modifying the number of Class A liquor licenses for **Urbana Boulders, LLC, d/b/a Urbana Boulders, 1502 ½ Cunningham Avenue, Urbana, IL.**

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

Section 1.

Urbana City Code Chapter 3, “Alcoholic Liquors,” Article III, “Retail License,” Section 3-43, “Limitations on number issued,” subsection 3-43(a), is hereby amended and as amended shall read as follows:

Sec. 3-43. - Limitations on number issued.

(a) The maximum number of liquor licenses authorized for the license classifications set forth below is as follows:

Classification	Number authorized
A	7 8
BYOB-R	0
CA	1
CS	0
FM	0
GC	1
GH	9
H	2
MB-1	0
MB-2	2
N	1
P	25
PB	0

R&T-1	14
R&T-2	11
TH	0
URO	0

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

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

PASSED BY THE CITY COUNCIL this ____ day of _____, ____.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, ____.

Diane Wolfe Marlin, Mayor



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

MEMORANDUM

TO: Mayor Diane Wolfe Marlin and Members of the City Council
FROM: Tim Cowan, Director of Public Works
DATE: August 21, 2023
RE: Champaign County GIS Consortium (CCGISC) Intergovernmental Agreement for Supplementary and On-Call Services

Introduction and Background

The City of Urbana entered into an Intergovernmental Agreement (IGA) in 2002 with Champaign County, City of Champaign, the Board of Trustees of the University of Illinois, the Villages of Rantoul, Savoy, and Mahomet to develop and operate a coordinated countywide geographic information system. This original agreement created the CCGISC to operate and manage mutually beneficial GIS data with joint funding. In addition to developing and implementing work plans developed and approved by the technical and policy committees associated with the Consortium, the Consortium has also been asked over the years to provide supplemental services to individual member agencies. Historically, this has been done if/when they have the staffing skills/bandwidth at an agreed upon cost within the applicable constraints of our purchasing policy. The intent of this IGA is to formalize this agreement around some specific services they have been assisting with annually (like data hosting) and some GIS Administration efforts. In addition, this would create a formal contract for other on-call services for which we may desire assistance that are outside of our current staffing bandwidth. If/when the Consortium has available bandwidth, they are more affordable than a GIS consultant and already have a better understanding of our data and security access to edit it. The annual budget provides adequate funds to pay for the recurring hosting/administration services within the normal operating budget for Information and Technology. If/when requested, supplemental, on-call services for special projects would be paid for out of Public Works operating budget. This effectively helps provide further redundancy with one of our most powerful tools as we only have one GIS Specialist on staff.

Recommendation

Staff recommends that City Council approve the attached Resolution Approving an Intergovernmental Agreement Concerning Geographic Information System Services.

*Attachments: Proposed Resolution Approving an Intergovernmental Agreement Concerning Geographic Information System Services
Proposed Intergovernmental Agreement for Geographic Information System Services Between the Champaign County GIS Consortium and the City of Urbana*

RESOLUTION NO. _____**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
CONCERNING GEOGRAPHIC INFORMATION SYSTEM SERVICES**

WHEREAS, the City of Urbana (hereinafter “Urbana”) is an Illinois municipal corporation and a home rule unit of local government pursuant to Section 6 of Article VII of the Illinois Constitution of 1970 and the statutes of the State of Illinois; and

WHEREAS, the Champaign County GIS Consortium (hereinafter “CCGISC”), and Champaign County (hereinafter “County”) are bodies of politic organized under the laws of the State of Illinois; and

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or by ordinance; and

WHEREAS, the CCGISC, the County, and Urbana wish to cooperate to provide Urbana with GIS and IT services.

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

Section 1.

The Intergovernmental Agreement between Urbana and the Champaign County Geographic Information System Consortium (CCGISC) concerning GIS and IT Services, which is attached hereto and incorporated by reference herein, shall be and hereby is authorized and approved.

Section 2.

The Mayor of the City of Urbana, Illinois, shall be and hereby is authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, shall be and hereby 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 ____ day of _____, 2023.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2023.

Diane Wolfe Marlin, Mayor

APPENDIX A

1.0 SCOPE OF SERVICES

The City of Urbana (Urbana) has identified the need for consistent, continuous, and centralized GIS support and guidance (GIS services). To that end, the following scope of services is being proposed for consideration by Urbana.

1.1 GIS Services

This Agreement allows CCGISC to complete any requested GIS tasks or services without the need to enter into subsequent agreements. Prior to the beginning of a task, an informal cost proposal will be supplied by CCGISC to Urbana. Work on a project will not begin until Urbana accepts the cost proposal. As Urbana is a member of the Champaign County GIS Consortium, CCGISC can offer GIS support to Urbana at staff hourly cost rates. These rates are subject to change July 1st of each year.

1.2 Data Hosting

Urbana shall utilize resources of CCGISC to store the Urbana GIS data in an Enterprise Geodatabase. This will allow Urbana to minimize data layer redundancy and confusion and help ensure long-term data integrity. In addition, edits made by either party could be immediately viewed by the other party. The Urbana data will be maintained in a dedicated and separate database. Approximately one month of backups will be retained on a CCGISC server. In addition, one backup per month shall be archived. Archives shall be provided to Urbana upon request.

1.3 ArcGIS Enterprise (Portal/Server/Data Store) Administration & Server Management

CCGISC shall provide Urbana with the necessary virtual server(s) to house Urbana's ArcGIS Enterprise software. CCGISC will also be responsible for the administration of this software. This includes, but is not limited to, ArcGIS Enterprise software installation, upgrades, configuration, and management. Physical server and virtual server management (*hardware upgrades, creation of virtual servers, operating system upgrades, etc.*) shall be performed by the County Information Technology (IT) department.

Urbana is responsible for the purchase of all ESRI ArcGIS licenses and users.

2.0 FEES

CCGISC proposes to perform the above-described services based on the fees as described below.

2.1 GIS Services

The staff hourly cost rates listed by staff classification are directly calculated from the staff hourly pay rates.

Staff Classification	Hourly Cost Rate* (July 1, 2023 – June 30, 2024)
GIS Technician	\$38.77
GIS Specialist	\$41.39
GIS Analyst	\$54.48
GIS Programmer	\$60.85
GIS Manager	\$73.04

**Hourly cost rates are subject to change on July 1st, the beginning of each term. Changes are due to staff changes, salary increases or decreases, or changes in benefits. CCGISC shall notify Urbana of any rate changes prior to the beginning of each term.*

2.2 Data Hosting

Costs associated with data hosting are derived from software and hardware costs based on the estimated percentage of server usage. Server usage is determined by the estimated size of the Urbana GIS data. Costs subject to change at the beginning of each term, fluctuations based on % usage, software, and server costs.

Estimated Server Costs

15% of \$12,000 is \$1800; \$1800/4 = \$450.00..... **\$450.00 / year**

Servers are purchased on a 4-year rotation.

Annual Software Costs

15% of \$6,155.00..... **\$923.25 / year**

Annual Data Hosting Fee: \$1,373.25

2.3 ArcGIS Enterprise (Portal/Server/Data Store) Administration & Server Management

Costs associated with data hosting are derived from software and hardware costs based on the estimated percentage of server usage. Server usage is determined by the number and size of published services and usage. Costs subject to change at the beginning of each term, fluctuations based on staff hourly rates, number of virtual servers, % usage, software, and server costs.

Estimated Server Costs

15% of \$12,000 is \$1800; \$1800/4 = \$450.00..... **\$450.00 / year**

Servers are purchased on a 4-year rotation.

ArcGIS Enterprise Administration Costs

30 hours annually at Level 2 (Programmer) Support..... **\$1,825.50 / year**

Server Management Costs (1 Virtual Server)

County Information Technology Management Fee **\$750.00 / year**

Annual Server Administration & Management Fee: \$3,025.50



Champaign County
 City of Champaign
 City of Urbana
 University of Illinois
 Village of Rantoul
 Village of Mahomet
 Village of Savoy
 Village of St. Joseph

**INTERGOVERNMENTAL AGREEMENT
 FOR GEOGRAPHIC INFORMATION SYSTEM SERVICES
 BETWEEN THE CHAMPAIGN COUNTY GIS CONSORTIUM AND THE CITY OF URBANA**

THIS INTERGOVERNMENTAL AGREEMENT (hereinafter “the Agreement”) is entered by and between the City of Urbana (hereinafter “Urbana”), the Champaign County Geographic Information Consortium (hereinafter “CCGIS”), and Champaign County (hereinafter “County”) (collectively “the Parties”) on the date that it is fully executed by both the Parties.

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or by ordinance; and

WHEREAS, the CCGISC, the County, and Urbana wish to cooperate to provide Urbana with GIS and IT services.

NOW, THEREFORE, pursuant to the Intergovernmental Cooperation Act 5 ILCS 220/1 et. seq. and in consideration of the terms, conditions and covenants contained herein, or attached hereto and incorporated by reference, the Parties agree as follows:

1. Employment of CCGISC: Urbana hereby agrees to engage the CCGISC, and the CCGISC hereby agrees to perform the GIS services set forth in this contract.
2. Cooperation of Urbana: Urbana will make available at no cost to the CCGISC any information and data in the possession of Urbana that is required to complete mutually agreed upon GIS services.
3. Personnel: The CCGISC represents that it has, or will secure its own expense, all personnel required in performing the services under this contract.
4. Scope of Services: CCGISC will provide GIS services and data as described in the Scope of Services at Appendix A.
5. Quality Control: CCGISC will utilize GIS best practice techniques when creating, reviewing, or maintaining data for the Urbana. These best practice techniques include topology and data integrity checks. The final quality control checks are the responsibility of Urbana.
6. Data Ownership: All data produced under the scope of this agreement shall be the property of Urbana. Urbana will grant to the CCGISC the right to store the data on CCGISC computers for the term of this agreement. The data produced under the scope of this agreement shall not be distributed by the CCGISC in any form to any entity without the consent of Urbana, unless otherwise required by law. After termination of this agreement, the CCGISC will, upon direction of Urbana, remove all Urbana data from CCGISC computers.

7. Compensation: Urbana agrees to pay the CCGISC the hourly cost rate of the CCGISC staff for services rendered as found in the Scope of Services at Appendix A. Hourly cost rates may change each term due to staff changes, salary increases, or changes in benefits. CCGISC shall increase or decrease the hourly rate accordingly. Urbana also agrees to pay CCGISC the Data Hosting and ArcGIS Enterprise Administration & Server Management fees as described in the Scope of Services at Appendix A. CCGISC shall notify Urbana of any hourly rate and/or fee changes prior to the beginning of each term.
8. Term: The initial term of this Agreement shall begin on **July 1, 2023, and end June 30, 2024**. Thereafter, the Agreement shall automatically renew from July 1st through June 30th of each subsequent year unless terminated for cause or convenience pursuant to Paragraph 9 or 10 herein.
9. Termination of Contract for Cause: If for any cause CCGISC shall fail to fulfill, in a timely and proper manner, its obligations under this Agreement, or if CCGISC violates any of the covenants, agreements, or stipulations of this Agreement, Urbana shall thereupon provide written notice to CCGISC of its intent to terminate this Agreement and the specific details of the default and reason for termination. CCGISC shall have ten (10) business days from the receipt of notice to cure any default, or any longer period of time to which the Parties agree in writing. If CCGISC fails to cure the default to Urbana's satisfaction Urbana may exercise its right to terminate the Agreement under this paragraph. The annual fee shall be prorated based on the hours of work completed at the date of termination and returned to Urbana. Should the number of work hours exceed the number of hours used to calculate the annual fee, no funds shall be returned to Urbana.

Likewise, if for any cause Urbana shall fail to fulfill, in a timely and proper manner, its obligations under this Agreement, or if Urbana violates any of the covenants, agreements, or stipulations of this Agreement, CCGISC shall thereupon provide written notice to Urbana of its intent to terminate and the specific details of the default and reason for termination. Urbana shall have ten (10) business days from the receipt of notice to cure any default, or any longer period of time to which the Parties agree in writing. If Urbana fails to cure the default to CCGISC's satisfaction CCGISC may exercise its right to terminate the Agreement under this paragraph. The annual fee shall be prorated based on the hours of work completed at the date of termination and returned to Urbana. Should the number of work hours exceed the number of hours used to calculate the annual fee, no funds shall be returned to Urbana.

10. Termination of Contract for Convenience: This agreement may be terminated by either party at any time by a notice in writing to the other party at least thirty (30) calendar days before such terminations. Once the Contract is terminated as provided herein, a determination of the number of hours CCGISC has completed for a contracted service shall be made. Final payment for all service hours completed by CCGISC for a contracted service shall be paid to CCGISC.
11. Notice: For purposes of notice under this Agreement, including Paragraph 9 and 10 herein, notice to each party shall be sent as follows:

To CCGISC via US Mail to: CCGISC, 1776 East Washington Street, Urbana, Illinois 61803-7760;
and via email to: Director of CCGISC, lbrehob-riley@co.champaign.il.us

To Urbana via US Mail to: Urbana Public Works, 706 S Glover Avenue, Urbana, Illinois 61802;
and via email to: Public Works Director, tcowan@urbanaillinois.us; and
City Engineer, jczeman@urbanaillinois.us

The addresses and email addresses above may be amended from time-to-time by mutual agreement of the Parties in writing.

12. Indemnification: Urbana shall indemnify, defend, and hold harmless CCGISC and the County and any of their members, directors, officers, employees, agents and representatives from and against any and all liability, loss, costs, causes of actions, demands, attorney fees, expenses, claims, suits and judgments of whatsoever kind and character, including without limitation, all possible costs of responding to demands, in whatever form that may take, with respect to any claim made against CCGISC or the County that arises solely from an act, failure or omission on the part of CCGISC or the County, or any of their members, officers, employees, agents, representatives, and volunteers in carrying out the terms of this Agreement.

CCGISC and the County shall indemnify, defend and hold harmless Urbana and any of its members, directors, officers, employees, agents, representatives, and volunteers from and against any and all liability, loss, costs, causes of actions, demands, attorney's fees, expenses, claims, suits and judgments of whatsoever kind and character, including without limitation, all possible costs of responding to demands, in whatever form that may take, with respect to any claim made against Urbana that arises solely from an act, failure or omission on the part of CCGISC or the County or any of their members, directors, officers, employees, agents and representatives in carrying out of the terms of this Agreement.

Each party shall obtain and maintain at its own expense appropriate insurance providing coverage for comprehensive general liability and professional liability, having such limits and deductibles, and upon such terms and conditions, as are common and customary.

13. Data Access: Every effort will be made to ensure Urbana is able to access their data, websites, custom applications, etc. 7 days a week, 24 hours a day, including holidays. Exceptions include periods of preventive or remedial maintenance and/or operational or security issues. Neither CCGISC nor the County will be liable financially or otherwise for periods of inaccessibility.
14. Changes: Urbana may from time-to-time request changes in the services of the CCGISC to be performed hereunder. Such changes, including any increase or decrease in the amount of the CCGISC's compensation, which are mutually agreed upon by and between Urbana and the CCGISC, shall be incorporated in written amendments to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by its officers as of the date first written above.

City of Urbana

CCGISC

BY: _____
Title: _____

BY: Steve Summers
Title: County Executive

Signature

Signature

Date

Date



City of Urbana
400 S Vine Street, Urbana, IL 61801
www.urbanailinois.us

MEMORANDUM TO THE MAYOR AND CITY COUNCIL

Meeting: August 21, 2023 Committee of the Whole Meeting
Subject: Ordinance No. 2023-08-___: An Ordinance Amending Section 24-172 of the Urbana City Code and the Schedule of Fees Pertaining to the Stormwater Utility Fee

Summary

Action Requested

City Council is being asked to approve an ordinance amending Section 24-172 of the Urbana City Code and the Schedule of Fees pertaining to the stormwater utility fee. The amendment will increase the rate of the stormwater utility fee to \$8.00 per month per ERU from a current rate of \$5.82 per month per ERU. The amendment will also allow the City to change the rate structure for residential properties from a flat fee to a fee based on the amount of impervious surface per parcel.

Background

Ordinance No. 2012-04-043 (An Ordinance Establishing a Stormwater Utility and a Dedicated Fund for its Operation) established a stormwater utility fee to be a dedicated source of funding to address stormwater management program needs for the City of Urbana. The current revenue from this utility does not adequately fund the current or future needs of the stormwater management program. The initial utility fee rate was set up based on an estimate of equivalent residential units (ERUs) for the City from analyses of impervious areas of select properties within all of the land use categories in the City. These analyses were reported in the City of Urbana 2011 Stormwater Utility Feasibility Study produced by AMEC. The actual number of ERUs is significantly less than what was estimated in 2011 causing the revenue to be much less than predicted when the utility was established. A utility rate increase is needed to fully fund the current needs of the stormwater management program. A utility fee rate structure change is also proposed to more equitably distribute the costs of the stormwater utility among stormwater utility fee payers.

Relationship to City Services and Priorities

Core Services

The proposed utility fee rate will fund activities that are required for maintaining the City's compliance with its IEPA Municipal Separated Storm Sewer System permit, for performing necessary repairs to the storm sewer system on a reactive basis, for collecting data on the system that will allow us to complete a system-wide model for predicting capacity issues and to plan for and prioritize future investments in rehabilitation and replacement projects for the storm sewer system.

Strategic Goals & Plans

The proposed ordinance aligns with Strategy 1. “Improve quality of current infrastructure assets” under Strategic Area #3: Infrastructure. The proposed rate increase is a recommendation from the draft Stormwater Asset Management Plan for the City of Urbana, a plan for funding, level of service, and replacement and repairs for the stormwater system.

Previous Council Actions

Ordinance No. 2012-04-043 (An Ordinance Establishing a Stormwater Utility and a Dedicated Fund for its Operation) established a stormwater utility fee to be a dedicated source of funding to address stormwater management program needs for the City of Urbana.

Discussion

Please see the presentation slides included with the Council packet for additional information on the Stormwater Asset Management Plan, the proposed Ordinance, and its impacts.

Recommendation

Staff is asking Council to approve the attached draft Ordinance.

Next Steps

If approved, Staff will execute the Ordinance. If deferred, it can be included with more information about implementation for future council considerations.

Attachments

1. Ordinance No. 2023-08-____: An Ordinance Amending Section 24-172 of the Urbana City Code and the Schedule of Fees Pertaining to the Stormwater Utility Fee
2. Presentation Slides for the Stormwater Asset Management Plan

Originated by:

Carmen Franks, Assistant City Engineer

Reviewed:

John Zeman, City Engineer, and Tim Cowan, Public Works Director

Approved:

Carol Mitten, City Administrator

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 24-172 OF THE URBANA CITY CODE
AND THE SCHEDULE OF FEES PERTAINING TO
THE STORMWATER UTILITY FEE**

WHEREAS, the City of Urbana is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, Chapter 24 of the Urbana City Code (UCC) sets forth the provisions concerning the stormwater utility fee; and,

WHEREAS, a schedule of fees is adopted by the City Council pursuant to Section 14-7 of the UCC that establishes the fees for various licenses, permits, fines and other fees required under the UCC, including the stormwater utility fee; and,

WHEREAS, the City of Urbana, Illinois seeks to increase the frequency of stormwater infrastructure inspections and maintenance activities; add more resources for compliance with the National Pollutant Discharge Elimination System permit; complete data collection on the characteristics of the storm sewer system; and increase funding levels for stormwater infrastructure repairs and capital improvement projects; and

WHEREAS, the City Council, after due consideration, finds that amending Section 24-172 pertaining to the stormwater utility fee structure will more equitably distribute the costs of its stormwater utility among stormwater utility fee payers;

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

Section 1.

Urbana City Code Chapter 24, “Utilities,” Section 24-172(d)(2), “Stormwater utility fee rate structure/responsibility for payment,” is hereby amended to read as follows (added language is underlined):

(2) Single-family residential and duplex parcels shall be billed one (1.0) ERU each until the City of Urbana establishes the measured number of ERUs on each parcel based on impervious area. Once the City establishes the measurements of impervious areas on each single-family residential and duplex property, these parcels may be billed as all other parcels are billed as described in Section 24-172(d)(3).

Section 2.

Urbana City Code Chapter 14, “Licenses and Permits,” Section 14-7, “Schedule of fees,” is hereby amended, to read as follows:

(P) Stormwater Utility

Equivalent Residential Unit (ERU): ~~\$5.82 per month~~ \$8.00 per month beginning January 1, 2024 and continuing thereafter unless and until amended by action of the City Council.

Section 3.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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

PASSED BY THE CITY COUNCIL this____ day of _____, _____.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

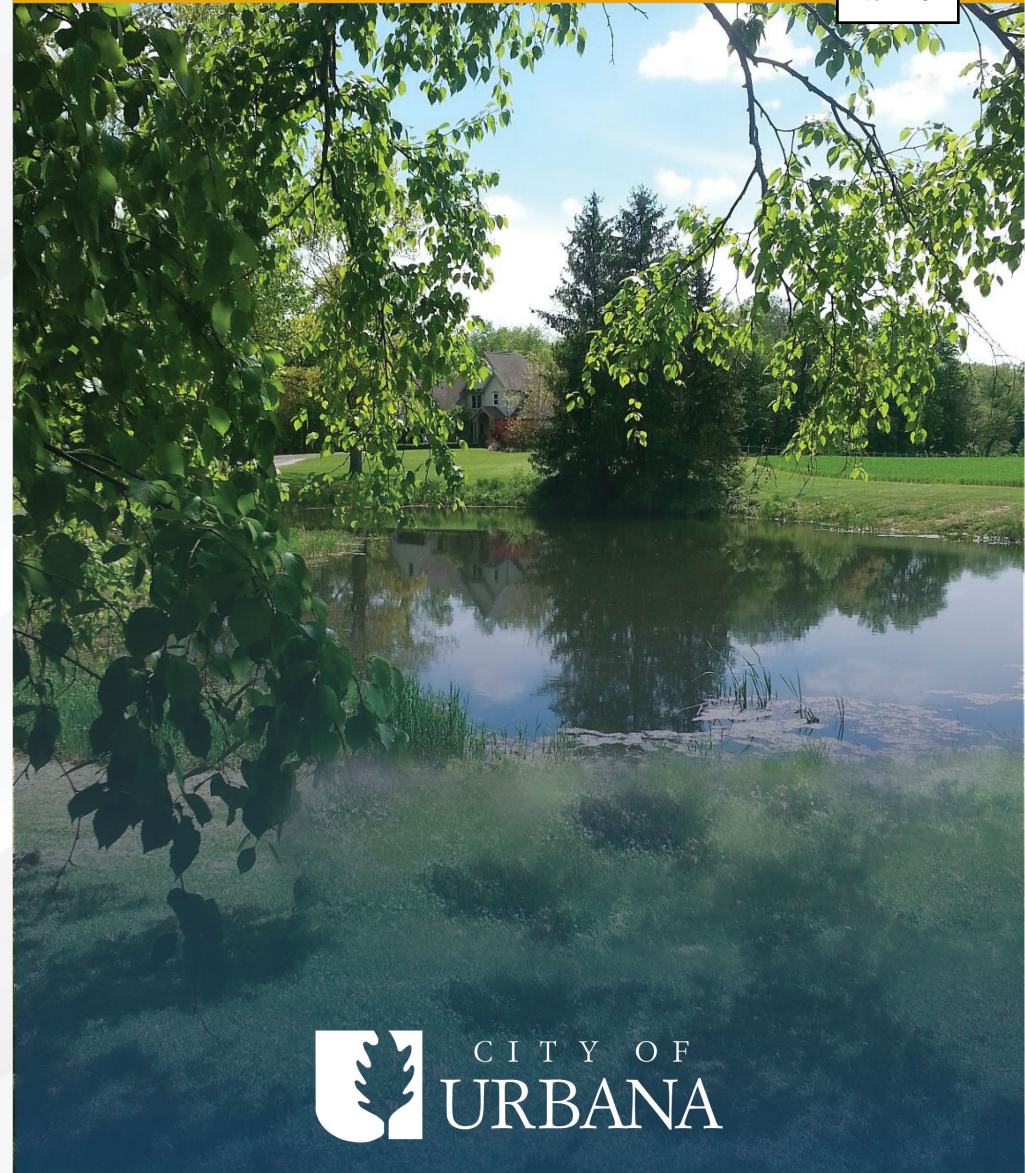
APPROVED BY THE MAYOR this____ day of _____, _____.

Diane Wolfe Marlin, Mayor

Urbana City Council Presentation

August 21, 2023

Item F5.



Presentation Agenda

- ✓ Existing System and Needs
- ✓ Asset Management Programs
- ✓ Program Costs
- ✓ Community Feedback & Staff Recommendation

Project Team



Existing Stormwater Management Needs

Why develop an asset management plan?



Document the storm drainage system needs of the Urbana community



Provide City with a strategy to manage the system of pipes, structures, basins and streams



Quantify the future costs to manage the system

Current Stormwater Program Overview

Municipal Separate Storm Sewer System (MS4) Program

- IEPA Permit Compliance
- Operation and Maintenance
- Capital Construction

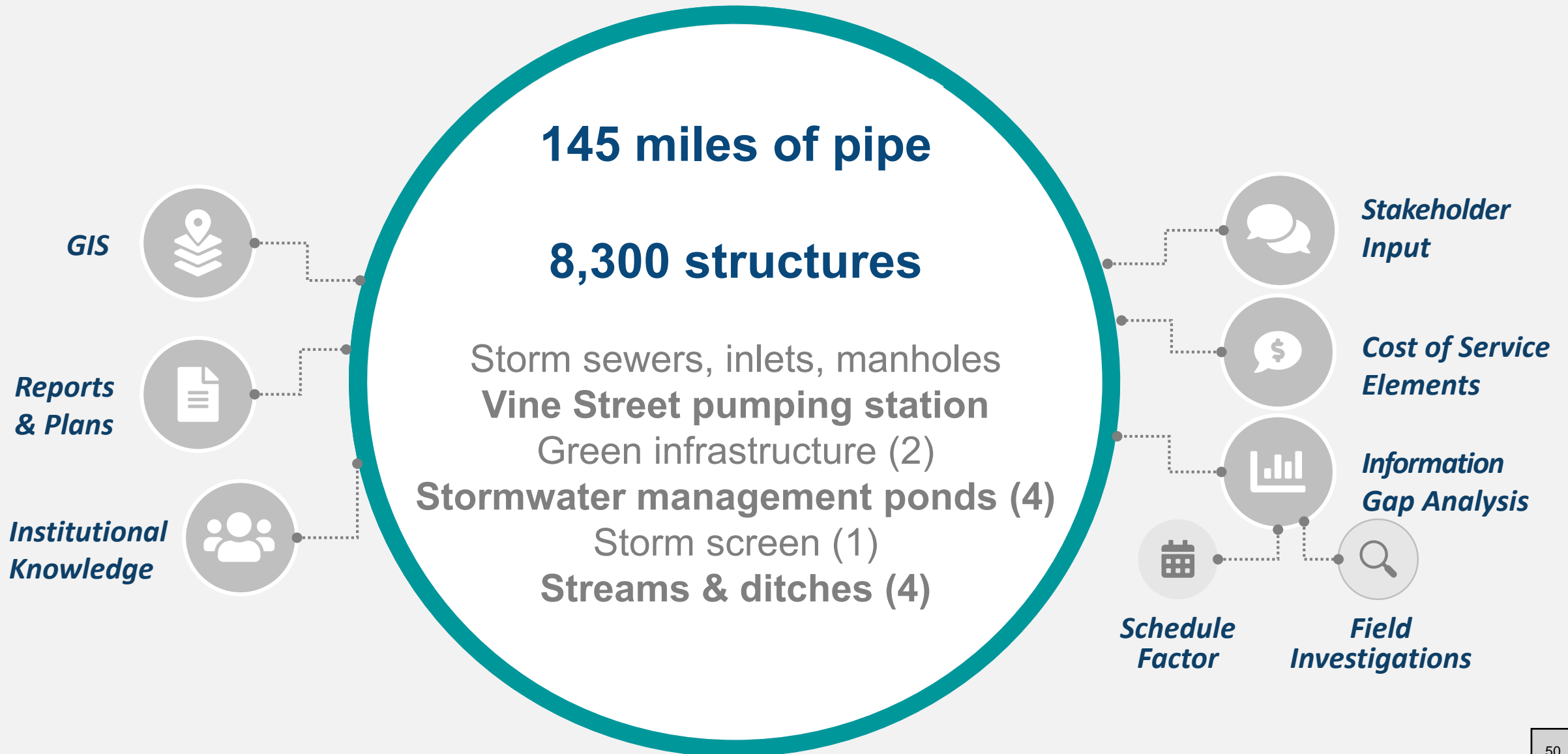




Data Gathering

- What do we have?
- What is it worth?
- What condition is it in?

What do we have?





Determining Stormwater Assets' Worth

- Estimated **value of replacing entire system** in today's dollars
- Used **unit price summaries** for replacing sewers
- Included construction, engineering and contingencies
- 2022 Replacement Cost:

\$344 million

Existing Conditions

Scalable Application

Without detailed age records, our team used population growth from U.S. Census Bureau per decade

- ✓ *Assumption: assets built to keep pace with population growth*
- ✓ *Total length of sewer allocated by decade based on % of population growth*

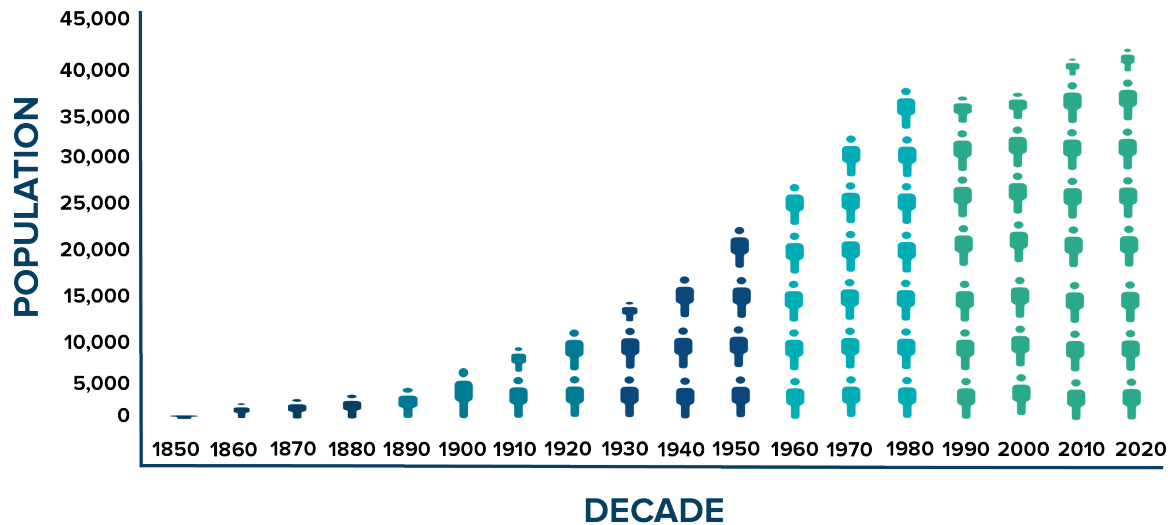


Data Records

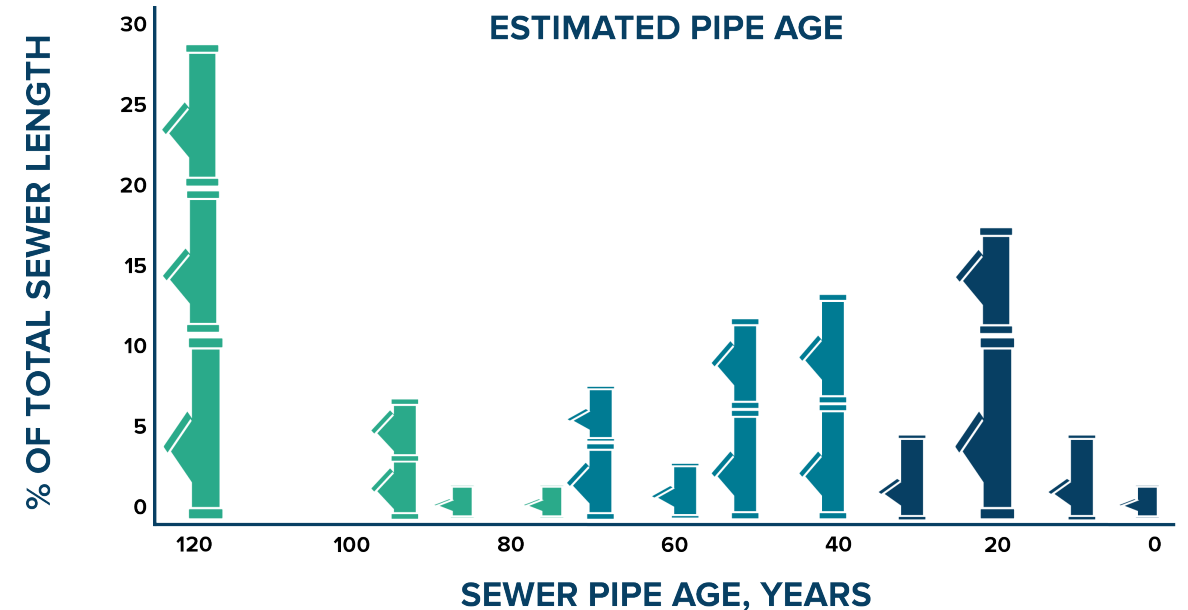
- ✓ 1980 report: **73 miles of pipe**
- ✓ 2019 GIS record: **145 miles of pipe**

Urbana Storm Sewer System Age

POPULATION GROWTH PER DECADE



ESTIMATED PIPE AGE



Urbana population growth from U.S. Census Bureau per decade



Urbana Storm Sewer System Age

Stormwater Management System:

What is needed?

NEED

> 400,000 LF or 75 miles ($\approx 45\%$) of sewer system yet to be inspected and condition rated

WHY

Prioritization of the system investment depends on condition assessment

NEED

Complete sewer system elevation data; only the trunk sewer system modeled

WHY

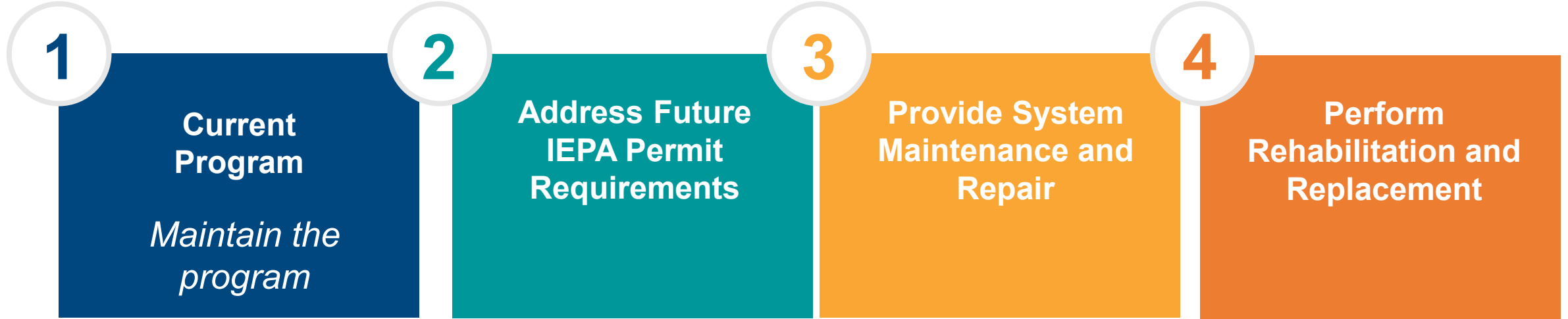
Pipe sizes and elevations required for capacity assessment and system resiliency

Program Changes

How can we address the
system needs?

Programs

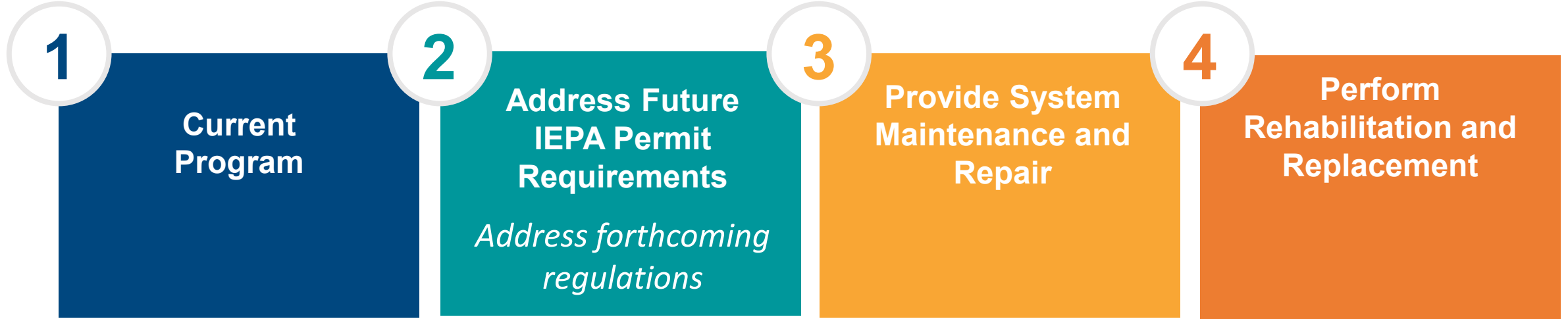
Item F5.



IEPA Permit Compliance
Operation and Maintenance
Capital Construction

Programs

Item F5.



Develop Pollution Prevention Plan for City facilities

Improve public education & outreach and assess changes

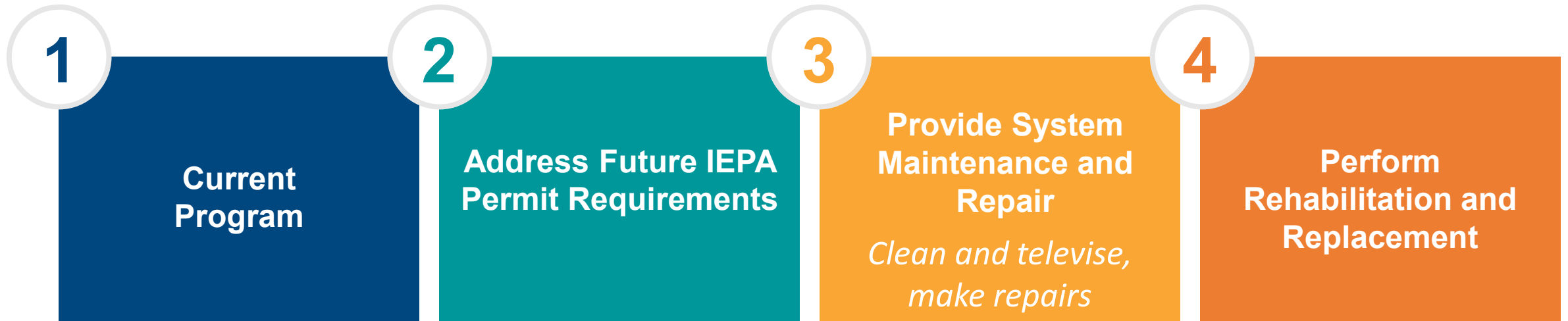
Increase inspections at construction sites & City facilities

Improve tracking of construction monitoring and use of BMPs

Increased reporting of stormwater activities and programs

Programs

Item F5.



Cleaning and inspecting remainder of pipe system (75 miles over 5 years)

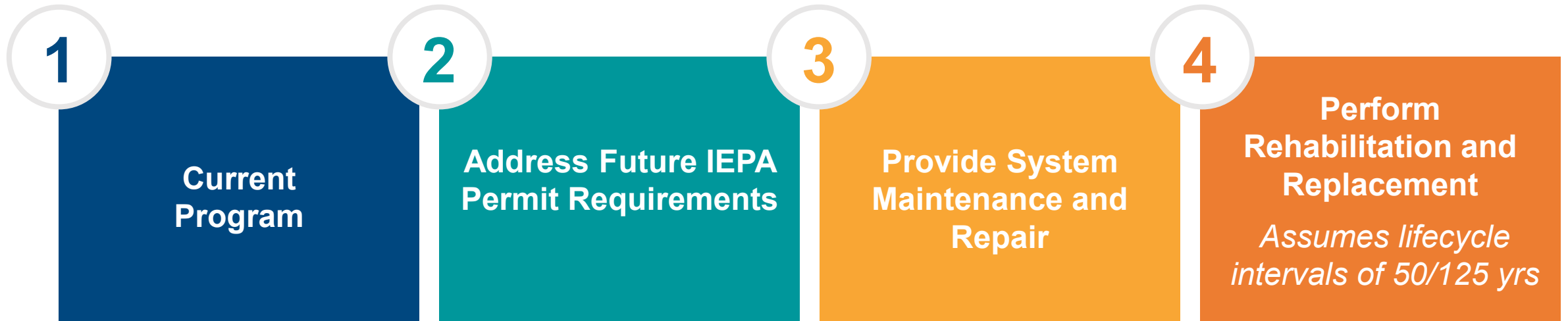
Repair critical parts of the system to prevent catastrophic failures

Data collection to prioritize system investment



Programs

Item F5.

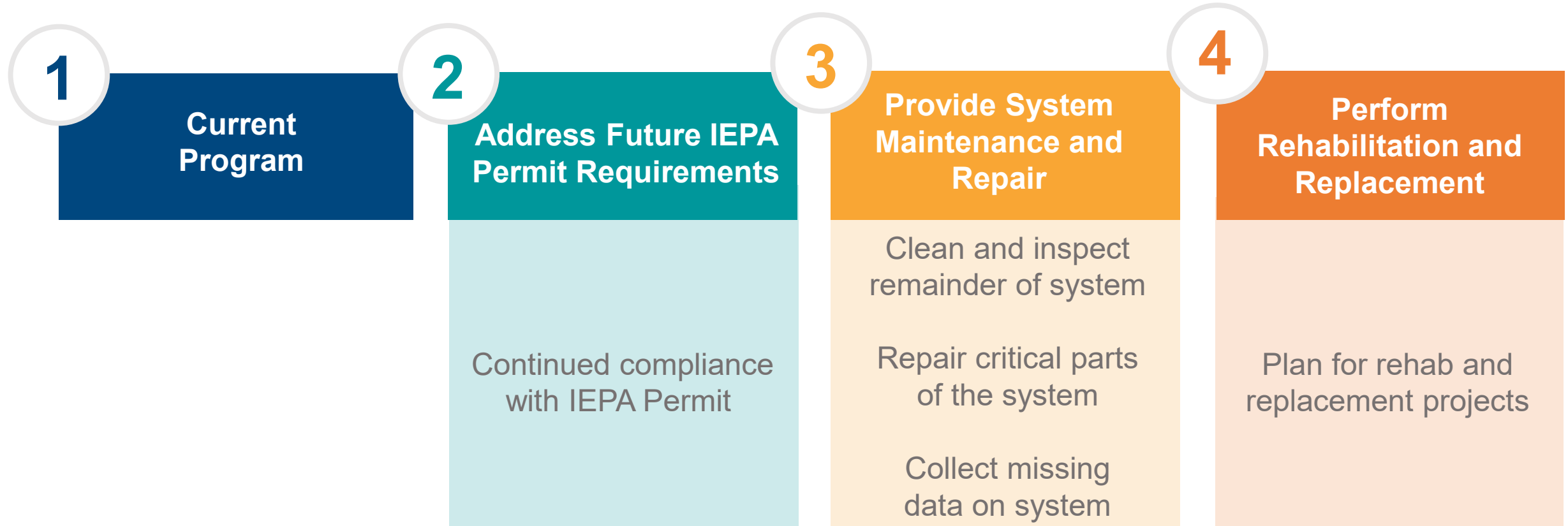


Rehabilitation and replacement of pipes and structures based on life cycle costs of the system targeting:

- 50 years for rehabilitation (i.e., pipe lining)
- 125 years for replacement (i.e., open cut construction)



Recommended: Fully Fund 1, 2, & 3





Program Costs

How much will it cost to make
the recommended changes?

Current Funding

Stormwater Utility Fee

Started in 2013*: \$4.94 / ERU /month

Current Rate: \$5.82 / ERU /month

- 1 ERU per single family home parcel
- ERUs for non-residential parcels determined by area of impervious surfaces (1 ERU = 3,100 ft² impervious area)

*Utility formed to fund compliance efforts with IEPA permit

Current Revenue:
\$1.7 million

Current Program
Costs: \$1.9 million

Why Increase Urbana's SWU Fee?

2011 Feasibility study recommended a moderately aggressive plan:

Transition system cleaning from every 15 to 7-8 years

Budgeting \$250,000 / year for 10 years for cleaning and televising

Budgeting ≈\$300,000 / year for capital improvements (financed)

System has doubled
since last study (1980):
73 miles to
129 miles (2011) →
145 miles (2019)

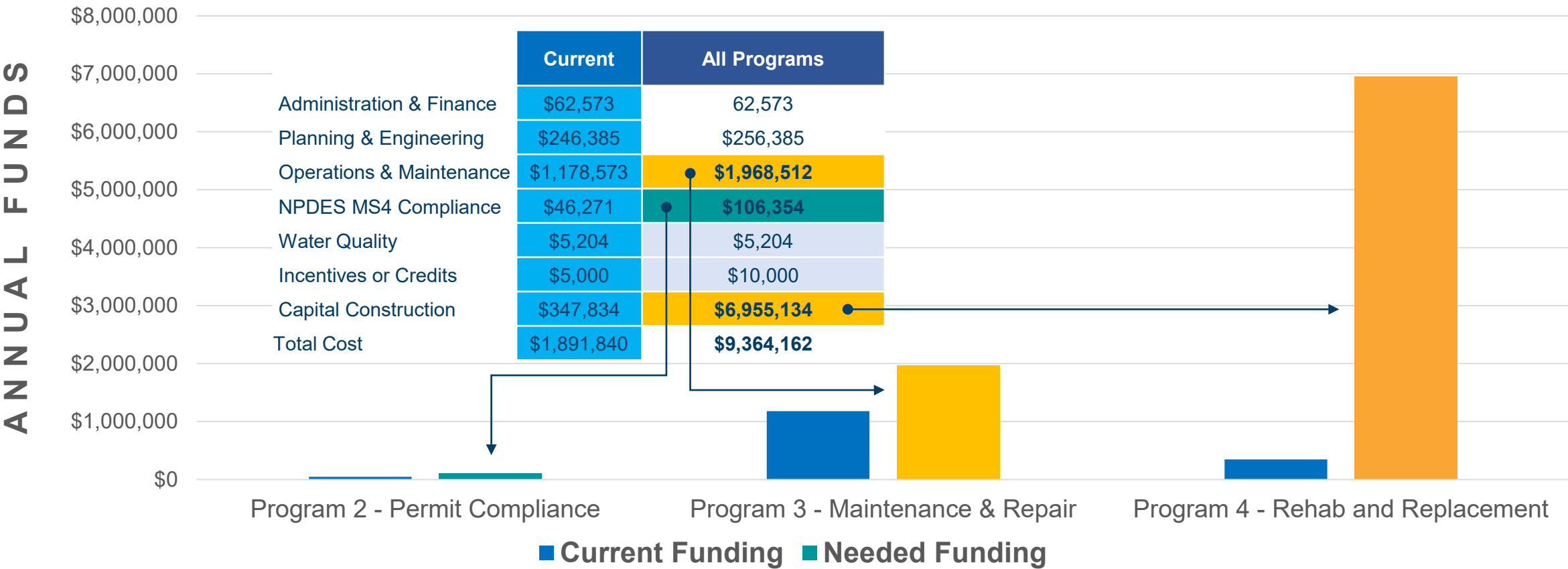
SWU fee study initially
estimated 33,800 ERUs,
but current ERU total is
<25,000

Past fee increases have not kept up with inflation
(and were put on hold during COVID)

Programmatic changes needed

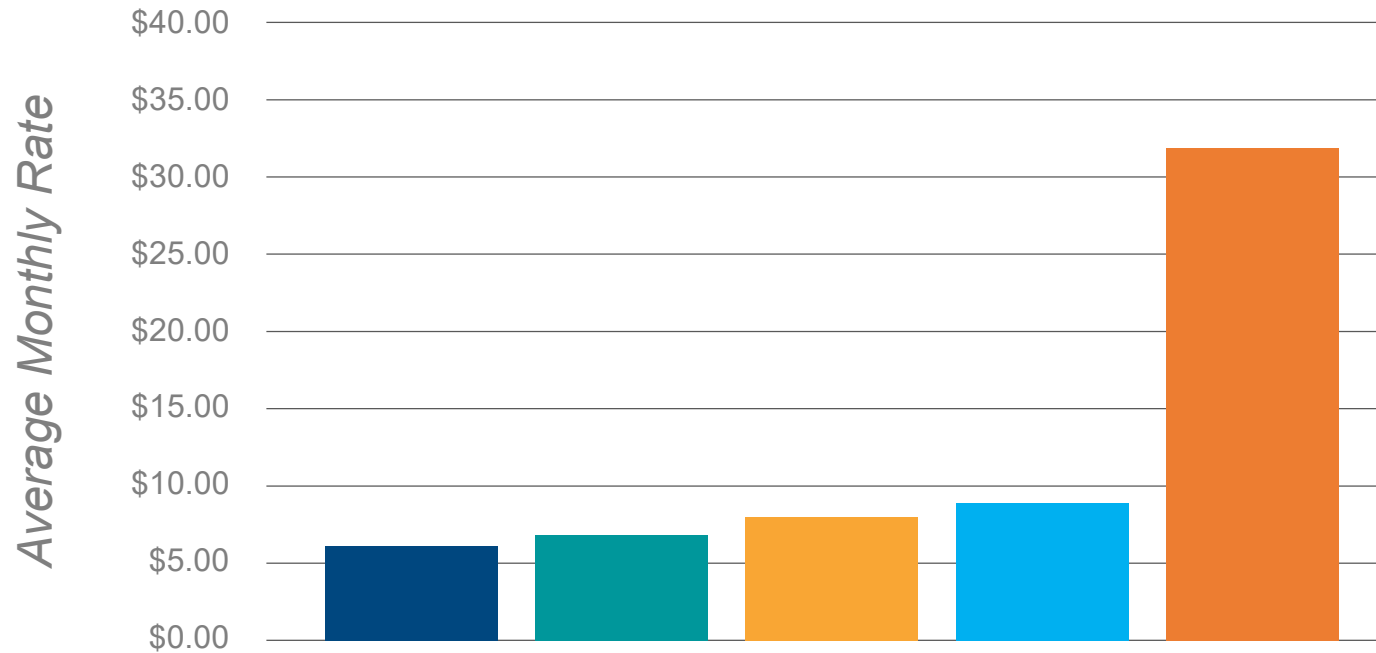
FUNDING Current vs. Needed

FUNDING FOR STORMWATER ASSET MANAGEMENT



Stormwater Utility Fee Analysis (Monthly Rate)

Urbana SWAMP Rate Analysis by Raftelis



5-Year Average Rate

Current Program	\$6.33
Future Permit Requirements	\$6.57
System Maintenance & Repair	\$8.76
Proposed Program*	\$9.29
Rehabilitation & Replacement	\$32.45

*Proposed Program by City Staff

Proposed Fee

One rate /ERU for all property types

WHY

Elevated non-residential rate (6%) gives only a 4% decrease (\$0.39) from flat rate; non-residential properties are already required to have stormwater management on their properties

Charge based on impervious area per parcel for everyone
(residential, commercial, industrial, institutional, etc.)

WHY

More equitable (than flat fee for all residential properties) **& most accurate way to pay** for how much stormwater is produced; built in incentive to reduce impervious area

Increase rate gradually:

YEAR 1 (38%) → \$8.00
YEAR 2 (10%) → \$8.80
YEAR 3 (7%) → \$9.41
YEAR 4 (5%) → \$9.89
YEAR 5 (5%) → \$10.36

*Re-evaluate at **YEAR 5***

Proposed Rate / ERU / Month

	Year 1	Year 2	Year 3	Year 4	Year 5
System Maintenance & Repair	\$8.00	\$8.80	\$9.41	\$9.89	\$10.36

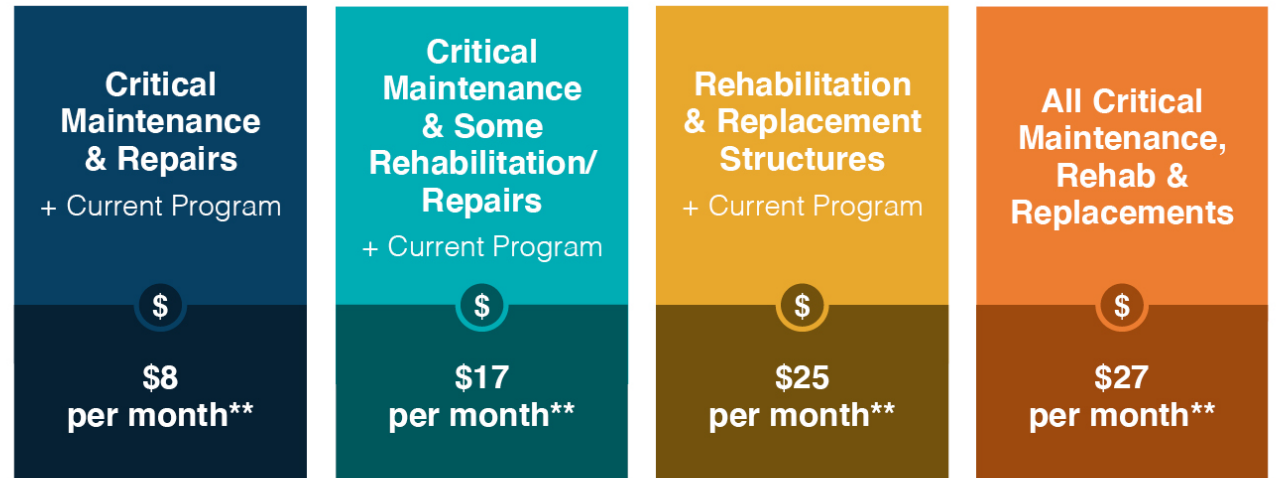
As posted on Urbana website & on the postcards delivered to fee payers:

\$8.00 - \$10.36 rate

Will fully fund Program 3
(System Maintenance & Repair)

Will provide additional funds over Program 3
costs for Rehab & Replacements after year 5

Stormwater Programs & Preliminary Costs Under Consideration



Current Program | \$5.82 per month*

* per ERU for Property Owners



**Maintaining IEPA
permit compliance**



**Perform
necessary repairs**



**Data collection on
the existing system:**

Structure locations

Structure elevations
and pipe sizes

≈ 75 miles of pipe
and structures still to be
cleaned and inspected



Data necessary
to better define work
needed and prioritize
future investment
in the system

**What work
would be completed
with increased revenue?**

Other Funding Sources

Item F5.



American Rescue Plan Act (ARPA):

\$12.97M allocated to City of Urbana

\$1M Green Infrastructure project proposed, but not selected for funding



COVID Relief Funds:

O&M Costs were not eligible



Infrastructure & Investment and Jobs Act (IIJA):

≈\$48B for Water (drinking water and clean water (CW))

≈\$11.7B for CW-SRF (wastewater and stormwater)

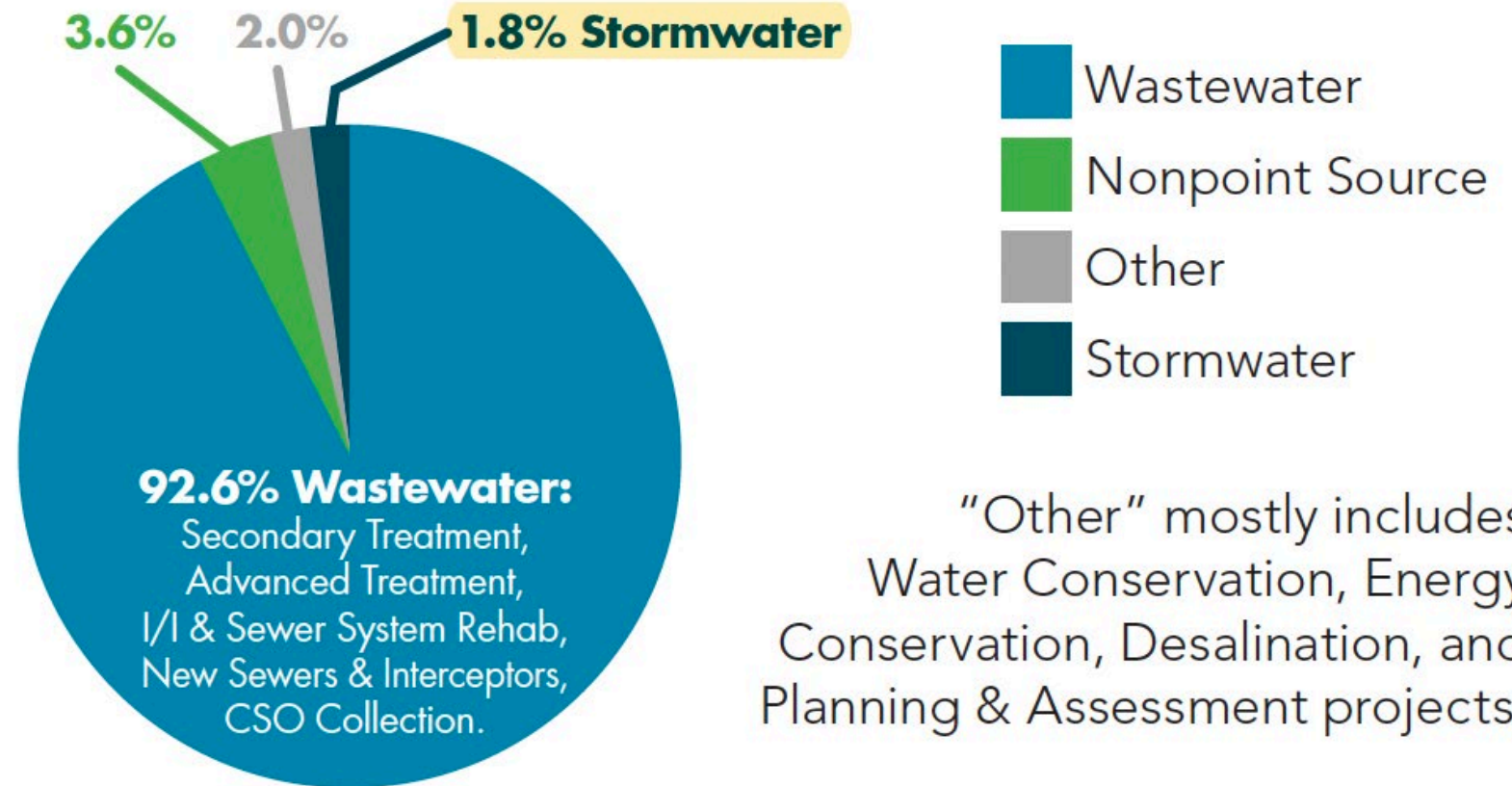
≈\$128M for IEPA-CW-SRF/year (very little spent on stormwater)

Funding Options

Can we apply for grants or loans?

Very limited options for grants and loans, especially for stormwater O&M

CWSRF Funding 1988-2020 – Project Types



Stakeholder Engagement Activities – May - August

Item F5.

Public meeting held virtually on May 11

Online survey launched on May 11 to seek public feedback

Council meeting update on June 12

Postcard sent to residents/businesses starting on July 8

Factsheet developed and posted on website

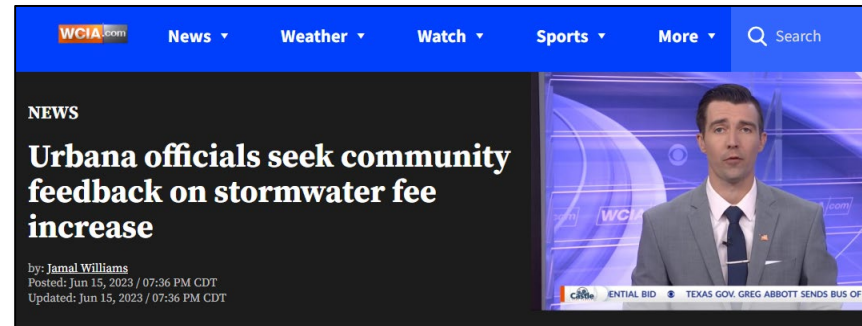
Information booth at local farmer's market in June

Media interviews in mid-June (WCIA, News Gazette, Fox)

Business outreach in June via Champaign County Chamber of Commerce

Social media outreach May - August

Technical Advisory Committee (TAC) meetings on March 16 and August 3



Technical Advisory Committee Feedback

Item F5.

- General support of a fee increase that helps the City gain a better understanding of its stormwater utilities
- Some concern about future capacity issues and sustainability
- Interest in revising/improving the Credit & Incentive Manual
- Recommendation to defer SWU rate structure changes until after the City has a better understanding of its stormwater utilities
- Proposal to more thoroughly consider all local utility costs along with fee increase
- Recommendation to consider more investment in green infrastructure



Public Feedback Summary

7,000+ postcards received by fee payers

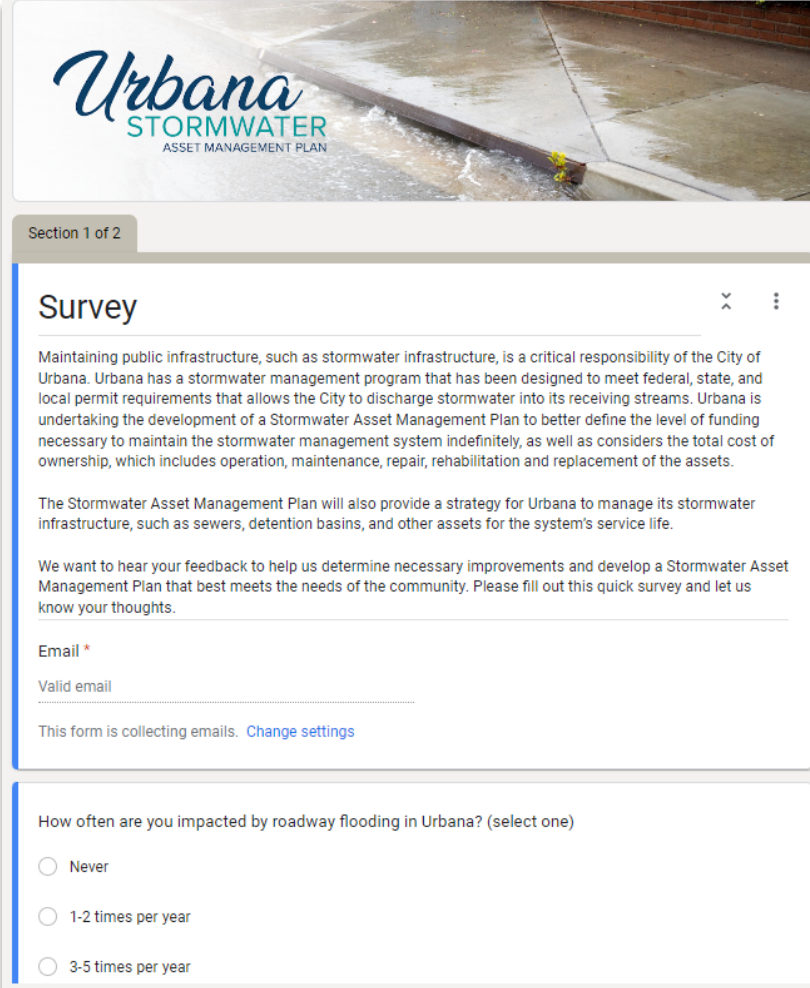
513 survey responses (*7% response rate*)

38 direct communications (*calls, emails, etc.*)

77 oppose fee increase (*stated in comment*)

83 tolerant or supportive of fee increase (*stated in comment*)

Remainder: either did not provide a comment, provided suggestions, or only general feedback provided



Urbana
STORMWATER
ASSET MANAGEMENT PLAN

Section 1 of 2

Survey

Maintaining public infrastructure, such as stormwater infrastructure, is a critical responsibility of the City of Urbana. Urbana has a stormwater management program that has been designed to meet federal, state, and local permit requirements that allows the City to discharge stormwater into its receiving streams. Urbana is undertaking the development of a Stormwater Asset Management Plan to better define the level of funding necessary to maintain the stormwater management system indefinitely, as well as considers the total cost of ownership, which includes operation, maintenance, repair, rehabilitation and replacement of the assets.

The Stormwater Asset Management Plan will also provide a strategy for Urbana to manage its stormwater infrastructure, such as sewers, detention basins, and other assets for the system's service life.

We want to hear your feedback to help us determine necessary improvements and develop a Stormwater Asset Management Plan that best meets the needs of the community. Please fill out this quick survey and let us know your thoughts.

Email *

Valid email

This form is collecting emails. [Change settings](#)

How often are you impacted by roadway flooding in Urbana? (select one)

☐ Never

☐ 1-2 times per year

☐ 3-5 times per year

Public Feedback Summary

Prioritization of the program needs from the survey was as follows:

1. **Regular inspections** to prevent failures, sewer surcharging, and flooding.
2. **Repairs as needed** to fix stormwater pipe failures.
3. **Ensuring stormwater pipes are large enough** to handle larger, more extreme storm events to minimize sewer surcharging and flooding.
4. **Compliance** with Illinois EPA permit and regulations.
5. **Revising the Credit & Incentive Manual** and/or City code to incentivize and/or require more green infrastructure implementation.
6. Projects that **naturalize Boneyard Creek** to improve habitat and water quality and reconnect people to the stream.

Public Feedback Themes

- Taxes in Urbana are already too high / Why don't our property taxes already cover this? / Why do this now when inflation is so high?
- Do a graduated increase in fees over years
- Need relief for low- and fixed income residents & seniors
- Prevention of problems by being proactive is important
- People should pay based on their impervious surface area
- Why weren't federal infrastructure or COVID funds used? / City should seek grants
- Invest heavily in green infrastructure for the co-benefits and sustainability
- Do only the essential tasks, not green infrastructure or Boneyard Creek connectivity work



What are the risks if the Recommended Program is NOT implemented?

- **Inadequate investment in stormwater infrastructure**
 - Maintenance falling further behind → more clogged sewers & inlets
 - Emergency replacements → street closures, greater expenses
- **Reactionary mode**
 - Increased unplanned repairs → more costly than planned rehab projects
 - Prioritizing investment not possible
- **Missing data on the storm sewer system**
 - Unprepared for increased duration and frequency of rainfall
 - Unclear what future investments are needed

Recommended Action and Rate

Programs 1 - 3: Current Program,
Continued IEPA Compliance, System
Maintenance and Repair

Rate: \$8.00 - \$10.36 per month

- Gradual increase over 5-year period

Outcome: Improve maintenance and
collect needed data to prioritize system
investment for next 5 years

Thank you!