

CITY OF BLOOMINGTON

WORK SESSION NOTICE

305 S. EAST ST.

MONDAY, JULY 14, 2014, 6:10 P.M.

1. Call to Order
2. Roll Call
3. Household Hazardous Waste (HHW) Collection Site Funding Exploration in Cooperation with the Town of Normal, County of McLean and the Ecology Action Center (*15 minutes*)
4. Draft Street and Alley Vacation Policy (*15 minutes*)
5. Adjourn



FOR COUNCIL: July 14, 2014

SUBJECT: Household Hazardous Waste (HHW) Collection Site Funding

RECOMMENDATION/MOTION: That Council support exploration of potential funding for a permanent HHW collection site in cooperation with the Town of Normal and McLean County and the not-for-profit Ecology Action Center (EAC).

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: 1e. Partnering with others for the most cost-effective service delivery.

BACKGROUND: HHW includes items commonly found around homes that are prohibited from disposal through standard refuse collection as they increase the toxicity of landfills. Some common HHWs are:

Oil-based paints	Paint thinners	Used motor oil	Herbicides	Drain cleaners
Old gasoline	Antifreeze	Cleaning products	Mercury	Double bagged and wetted asbestos
Household batteries	Insecticides	Lawn chemicals	Pesticides	Solvents
Pool chemicals	Hobby chemicals	Aerosol paints and pesticides	Fluorescent lamp bulbs	Old and outdated medicines

The public has limited means to properly dispose of these materials. The solid waste partnership formed by the City, Town of Normal, McLean County and our resource specialist, the non-profit EAC, have teamed up to provide occasional special collections. These currently are scheduled to occur every two (2) years.

The special collections represent progress, but advocates for proper disposal, including the Public Works Department, would like to offer regular availability.

The EAC wishes to explore funding from the Illinois Environmental Protection Agency (IEPA) on behalf of the three (3) governments for a permanent HHW collection site. Please note that this state funding would only involve proper disposal of material collected. IEPA does not provide funding for construction/operation of a collection facility or funding for staffing of a collection facility.

EAC and its allied government entities need to be sure all governing boards are prepared to at least take this initial step of preliminary investigation. No costs are associated but there most likely will eventually be costs to a collection center, if it becomes reality. After ascertaining the ability of the state, through the IEPA, to support the project, the concept would move to its second step.

The second step would be a feasibility study. The study would examine needs, costs and potential sites. Private sector involvement might also be explored. The governments would be asked to fund the feasibility study, the cost of which is not yet known.

Illinois currently has four (4) such sites – three (3) in Chicago and one (1) in Rockford. A McLean County site would be the first public site downstate. A privately run collection site may open in Peoria but it would only be available for use by Peoria residents since it would not have IEPA funding.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: McLean County Solid Waste Management Technical Committee.

FINANCIAL IMPACT: No costs are associated with the initial step of the preliminary investigation. If the project moves forward, it would be necessary to bring the associated costs back to Council for approval.

Respectfully submitted for Council consideration.

Prepared by: Stephen Arney, Public Works Administration

Reviewed by: Jim Karch, PE CFM, Director - Public Works

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Angela Fyans-Jimenez, Deputy Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1. Letter from Michael Brown, EAC

202 W. College Avenue

Normal, Illinois 61761-2552



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June 26, 2014

Jim Karch
Public Works Department
City of Bloomington

Dear Jim Karch,

As the solid waste agency for the City of Bloomington, Town of Normal, and McLean County, the Ecology Action Center recognizes that securing a permanent household hazardous waste (HHW) collection facility would serve as an integral part of the municipal recycling and solid waste infrastructure for our community. Furthermore, removing HHW from the municipal solid waste stream reduces the toxicity of the waste stream disposed at landfills and would lessen the toxicity of the McLean County landfill's leachate. Interest in proper disposal of HHW is at an all-time high in our community as evidenced by daily HHW inquires to the EAC by area residents and high participation in recent HHW collection events, particularly the unprecedented attendance at the locally-funded 2012 HHW collection.

HHW is currently collected in McLean County via one-day collection events, with the nearest permanent facility residing in Naperville, Illinois. While a recently approved agreement will provide local funding for HHW collections in 2015 and 2017, the Ecology Action Center recognizes that a permanent collection facility provides even greater public participation opportunities by offering a facility with regular hours.

The Ecology Action Center asks for your support in conjunction with the Town of Normal and McLean County to investigate building and using a permanent HHW collection site for our community. Pending your support, the EAC will send a letter of interest on behalf of the City, Town and County to the Illinois Environmental Protection Agency, which is responsible for coordinating funding opportunities for permanent hazardous waste facilities. Though a HHW collection facility would offer an opportunity to serve not only McLean county but all of Central Illinois, the next step would be to conduct a feasibility study to examine the matter further, including estimated local operating costs.

The Ecology Action Center thanks you for your continued support in safely and responsibly handling HHW in our community. We look forward to further dialogue in regards to this matter.

Sincerely,

A handwritten signature in black ink that reads 'Michael Brown'.

Michael Brown

Community Solid Waste Coordinator
Executive Director, Ecology Action Center



FOR COUNCIL: July 14, 2014

SUBJECT: Draft Street and Alley Vacation Policy

RECOMMENDATION/MOTION: Discussion only.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services. Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: 1d. City services delivered in the most cost-effective, efficient manner. 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: At times, property owners seek to take ownership of sections of streets and alleys. At other times, the City feels a section of street or alley no longer serves the public need and, therefore, becomes wasteful to maintain. At still other times, property owners and the City reach the conclusions mutually that a street or alley should be closed and that land should be conveyed to the private sector. A comprehensive policy is needed to handle all of the above situations.

Discretion and Flexibility: Requests for an alley and street vacation by its nature involves examination of the individual circumstances. For this reason, blanket pronouncements to cover all circumstances would be unwise. This policy sets forth clear guidelines without imposing mandates. It gives property owners and the City flexibility to account for unique circumstances.

For example, the City can calculate payment in determining the value of the land or it may obtain a professional appraisal. The property owner will be charged this amount, or the City may waive the payment or arrange other considerations. The property owner may accept the City's price or dispute the price by getting a professional appraisal at his/her own cost.

Clear guidance: At the same time, the policy provides the City and the public with clear guidance. For example, the policy states a number of circumstances under which the City shall not grant a vacation, such as dead-ending an alley mid-block.

High standard for approval: The policy requires a three-fourths vote of the Council for approval to vacate a street or alley.

Interdepartmental effort: In forming the proposed policy, members of the City Clerk, Legal Department, City Manager and Public Works staff worked together to craft the policy, edit it and review it. Representatives from each department have signed off on the final draft. It was crucial that all these departments be involved as they all may become involved in a vacation request. Public Works is the department that would host a pre-application meeting, as it is versed in current and future ramifications of removing a piece of infrastructure in terms of overall transportation planning. The City Clerk's office is the go-to office in filing a petition and

guiding the matter through the government process. Legal is best suited to negotiate and navigate legal issues. The City Manager signs off on all the petitions en route to the City Council. The Legal Department was instrumental in creating the policy wording.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Vacation of streets and alleys relieves the City of the cost of maintaining the property. The policy also allows the City to charge fair market value for the property being conveyed.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1. Draft Street and Alley Vacation Policy

CITY OF BLOOMINGTON STREET AND ALLEY VACATION POLICY

I. PURPOSE

The purpose of this policy is to establish a uniform method for vacating public streets and alleys. Vacating and conveying these unneeded, and in many instances, unused parcels to the abutting property owners would save the City miscellaneous maintenance costs and also put the land back on the tax rolls. The majority of the conveyances will be in residential areas. However, occasionally there will be parcels zoned commercial and industrial.

II. POLICY

It is the policy of the City of Bloomington to grant vacation of a street or alley when it is determined both that such right-of-way is not needed presently or in the future for public access (including vehicular, pedestrian, and visual access) and that such vacation advances the public good. All of the following policies should be met prior to the vacation of a street or alley.

- A. The proposed vacation should be determined to be necessary to the public good either in terms of needed development or when such vacation will result in a better or more desirable situation. In some instances, a more desirable situation may be a better road pattern in terms of safety.
- B. The right of way must be determined to be of no value to the City (excluding any market value) either now or in the foreseeable future. Such finding shall be based on significant, related criteria, such as prior use or disuse, potential for future municipal use, need for existing or contemplated public utilities, perceived damage or potential damage to adjacent or nearby property owners and the City's willingness to assume liability for same.
- C. The proposed vacation must not have a significant adverse effect on the security, accessibility or operations of nearby land uses. Projects that propose to dead-end an alley or street in the middle of the block, turn out street traffic through an alley, vacate half the width of a street or alley, create an irregular right of way line or superlot, or vacate air rights, will not be granted.
- D. Generally, right-of-way adjacent or leading to any park, open space, view, natural area, or any other natural or man-made attraction shall not be vacated. This determination shall be made on a case-by-case basis.

Vacation is not guaranteed even if 100% of the abutting owners request the vacation.

III. PROCEDURES

The length of time to process a street or alley vacation depends largely on the number of issues needing to be resolved and current workload/resource levels. The following procedures are applicable:

- A. A pre-application meeting is optional at the discretion of the Director of Public Works. Before the submission of a request for a street or alley vacation, the applicant may meet with the staff of the Engineering Division of Public Works. The applicant is encouraged to do so in order to be informed of the City policies regarding street and alley vacations and to have explained the application submission requirements and procedures.
- B. A petition for a street or alley vacation shall be submitted to the City Clerk's Office and must include the following: (1) description of the area to be vacated; (2) the property owner(s) making the request; (3) a map of the street or alley sought to be vacated; (4) the reasons for the vacation and any property owners abutting the proposed vacation who are not participating in the application; (5) a certification by the petitioner that no property will be damaged by the vacation of any street or alley and no damages owed in accordance with Section 11-91-1 of the Illinois Municipal Code; and (6) an agreement to indemnify the City from any claims associated with the vacation.
- C. The City Manager, in consultation with the Department of Public Works, shall review the request for vacation as it relates to the goals and objectives of the City, compatibility with adjacent land uses, potential rezoning of the vacated street, aesthetic considerations and other related issues, including specifically that the property is no longer needed and serves no valid public purpose. If the City Manager recommends the vacation, he shall forward the matter to the City Council. The City Manager may also recommend that the matter first be considered at a public hearing or referred to the City's Plan Commission.
- D. For property located outside the City limits, no ordinance shall be passed vacating any street or alley without notice and a public hearing. At least 15 days prior to such hearing, notice of its time, place and subject matter shall be published in a newspaper of general circulation with the area which the street or alley proposed for vacation serves. At the hearing all interested persons shall be heard concerning the proposal for vacation. A public hearing is not required for property being vacated within the City limits.
- E. Prior to final action by the City Council of a petition to vacate, all adjoining or abutting property owners, as well as all utility providers, shall be sent notice of the proposed vacation by certified mail, postage prepaid, return receipt requested.
- F. The City Council may grant the petition to vacate the street or alley by ordinance, by a three-fourths vote, with or without conditions, or the City Council may deny the petition.
- G. Ordinances vacating streets or alleys shall contain a provision retaining or requiring conveyance of easements for construction, repair and maintenance of existing and future public utilities and services.
- H. In addition to a property owner initiating a petition for vacation, the City Manager may also propose the vacation of a public street or alley. In such cases, no application or appraisal fees shall be due and the fair market value shall be determined as set forth in Section IV(C). Prior to the vacation of any such street or alley, notice must be provided

as set forth in Section V(E) and the requisite findings made in Section II. Said vacation shall further only be valid if the adjacent property owner(s) accept the fair market value and counter-sign the ordinance vacating the property to said owner(s).

IV. COSTS & COMPENSATION

Ordinances vacating any street or alley shall not be passed by the City Council until the petitioner compensates the City in the amount required by this Section.

- A. Every petition for a street or alley vacation shall be accompanied by a nonrefundable payment to the City of \$150.00 to defray the administrative costs incurred in processing such vacation petitions.
- B. The owners of the property abutting the vacated property shall pay the fair market value, as set forth below and determined in the sole discretion of the City Council, of the portion of the vacated property acquired. If the ordinance vacating the property provides that only the owner(s) of one particular parcel of abutting property shall make payment, then the owner(s) of the particular parcel shall acquire title to the entire vacated street or alley, or the part thereof vacated.
- C. The Department of Public Works shall determine the fair market value of the property to be vacated and apportion the costs as between all abutting property owners (or a single property owner when authorized by ordinance) by utilizing, in its sole discretion, either of the following two methods: (1) utilizing a formula of 3 times the estimated assessed valuation of the adjoining property times the square feet of the area ($3 \times \text{EAV} \times \text{Sq. Ft.}$); or (2) obtaining an appraisal of the property from an MAI certified appraiser which cost shall be borne by the petitioner. Said determination shall be final, without appeal to the City Council, unless the petitioner first obtains, at petitioners sole cost and expense, a separate appraisal of the right-of-way to be vacated including, without limitation, the fair market value of the interests(s) of each and every person to be acquired or the benefits which will accrue to any of them by reason of the vacation. Such appraisal must be conducted or completed by an MAI certified appraiser. The City may accept such appraisal or reject it and have a subsequent appraisal conducted by an MAI certified appraiser, at City expense.
- D. In some cases, the City will allow an exchange of equal property in lieu of the appraised value. Instead of monetary payment, the property owner may be asked to substitute other street areas or fulfill other conditions.
- E. All fees required under this Section may be waived, at the discretion of the City Manager or his or her designee, if the street or alley vacation is requested by the City.
- F. City, state and federal agencies are exempt from the compensation requirements of this Section, but shall pay to the City costs incurred by the City in processing the vacation request.

- G. Payment of the determined amount of compensation must be tendered to the City Council prior to final consideration of the ordinance vacating the property. In the event that final passage of the ordinance is not granted, the deposited amount (exclusive of the application fee) shall be refunded to the petitioner.