AGENDA
REGULAR MEETING

CITY COUNCIL OF THE CITY OF BLUE ISLAND, ILLINOIS
August 23, 2011

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION OF THE JOURNAL OF PROCEEDINGS: Regular Meeting – August 9, 2011

REPORT OF CITY OFFICIALS

MAYOR:

BIDS:

CITY CLERK:

CITY TREASURER:

CITY ATTORNEY:

1. AN ORDINANCE ESTABLISHING VACANT PROPERTY REGULATIONS AND PRIORITY LIEN PROCEDURES.

2. AN ORDINANCE RESCINDING HANDICAPPED PARKING RESTRICTIONS ON A PORTION OF A CERTAIN STREET WITHIN THE CITY OF BLUE ISLAND, COUNTY OF COOK AND STATE OF ILLINOIS.

COMMITTEE REPORTS

CITIZENS WISHING TO ADDRESS THE COUNCIL REGARDING THIS EVENING'S BUSINESS

ADJOURNMENT

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING VACANT PROPERTY REGULATIONS

AND PRIORITY LIEN PROCEDURES

WHEREAS, this ordinance is intended as, and is in the exercise of certain powers and functions pertaining to the government and affairs of the City of Blue Island, Illinois; and

WHEREAS, buildings that are indefinitely vacant or in a state of disrepair or boarded are public nuisances in that they contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, undermine the aesthetic character of the neighborhood and City, and have other undesirable effects; and

WHEREAS, vacant buildings, especially those which remain boarded for more than three (3) months, are unsightly and diminish neighboring-property values and neighbors' sense of well-being and are a public nuisance; and

WHEREAS, allowing certain buildings to remain indefinitely vacant even in the absence of code violations or boarding is detrimental to the public health, safety, and welfare; unreasonably interferes with the reasonable and lawful use and enjoyment of other premises within the neighborhood; may pose an extraordinary danger to police officers or firefighters entering the premises in time of emergency; and detracts from the appearance and good order of the neighborhood; all of which are especially associated with such buildings which have been vacant for over two years; and

WHEREAS, registration of vacant properties and implementation of a maintenance plan will discourage property owners from allowing their properties to remain indefinitely vacant or in a state of disrepair and will thereby provide a basis for the return of vacant properties to the housing stock; and

WHEREAS, the City of Blue Island has the authority to regulate the maintenance of properties and buildings within the City in order to protect the public health, safety, and welfare of its citizens; and

WHEREAS, the definition, prohibition, and abatement of public nuisances pertain to the government and affairs of the City of Blue Island; and

WHEREAS, the City has statutory power to define, prohibit, and abate public nuisances pursuant to 65 ILCS 5/11-60-2 of the Illinois Municipal Code; and

WHEREAS, the City Council adopts the "broken window" concept among the rational for this ordinance. The "broken window" concept is that one broken window, left unrepaired, leads to more broken windows as it gives the appearance that no one cares or protects the property; that that building becomes increasingly more deteriorated, and that the deterioration may have a ripple effect; and

WHEREAS, the abatement of nuisances caused by vacant buildings, repair and rehabilitation of vacant properties and their subsequent occupancy is in the best interests of the citizens of Blue Island; and

WHEREAS, an ordinance providing for the declaration of certain boarded and/or vacant buildings as a public nuisance and providing for their abatement is a means for the City to use in maintaining sanitation and health standards, preventing crime, and avoiding fire, health, and safety hazards and minimizing or eliminating the effect such buildings have on the personal and economic well-being of the neighborhood; and

WHEREAS, various state statutes authorize the City to provide for the removal of certain nuisances from private properties within the City, including cutting and removal of neglected weeds, grass, trees, and bushes, 65 ILCS 5/11-20-7, pest control activities, 65 ILCS 5/11-20-8, removal of infected trees, 65 ILCS 5/11-20-12, removal of garbage, debris, and graffiti, 65 ILCS 5/11-13, and removal, securing, and enclosing abandoned residential properties, 65 ILCS 5/11-20-15.1; and

WHEREAS, the City incurs costs in abating these nuisances by performing property maintenance activities on these properties; and

WHEREAS, Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15, authorizes municipalities to record traditional liens against a property for these nuisance abatement and property maintenance costs; and

WHEREAS, the Illinois General Assembly recently adopted 65 ILCS 5/11-20-15.1, effective March 1, 2010, authorizing municipalities to record "priority liens" against abandoned residential properties for costs incurred in certain property maintenance activities that would be senior to all other liens with the exception of tax liens; and

WHEREAS, the corporate authorities of the City of Blue Island deem it to be in the interest of the public health, safety, and welfare of the residents of the City to set forth specific registration requirements for vacant buildings, as well as a procedure for liens regarding property maintenance activities;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Blue Island, Illinois, as follows:

SECTION ONE

Recitals.

The foregoing recitals shall be, and are hereby, incorporated into and made part of this Ordinance as if fully set forth in this Section One.

SECTION TWO

Title.

This ordinance shall be known as and may be cited as the "Blue Island Vacant Property and Priority Lien Ordinance" of the City of Blue Island, Illinois.

SECTION THREE

Scope of Ordinance.

The purpose of this ordinance is to protect the public health, safety, and welfare by enactment which:

1) Establishes a program for identification, registration, and regulation of buildings that are or become vacant on and after the effective date of this ordinance.

2) Determines the responsibilities of owners of vacant buildings.

3) Provides for administration, enforcement of property regulations, including prevention and abatement of public nuisances, and imposition of penalties.

This ordinance shall be construed liberally to affect its purposes.

SECTION FOUR

Other Ordinances.

This ordinance shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations prescribing standards other than those provided herein, and in the event of conflict, the most restrictive shall apply.

SECTION FIVE

Definitions.

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this ordinance, have the meanings indicated in this section:

Boarded Building: A building which has had, in a manner intended to be temporary or permanent, any or all openings, which openings are windows or doors which were present for the purpose of light, ventilation or egress, some material whether opaque, solid or transparent, affixed to such openings, from the interior or exterior of the building, for the purpose of securing or preventing access or damage to the building or its components.

Building: Any industrial, commercial, single-family residential structure, or multi-family residential structure intended for supporting or sheltering any occupancy.

Dangerous or Unsafe Building: All buildings or structures that are found to pose a danger to the life, health, property or safety of the public by not providing minimum safeguards to protect or warn the public in the event of a fire, or because such structure contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty or incomplete construction or unstable, that partial or complete collapse or systems failures are possible; or any building or structure defined as a "public nuisance" in Ordinance 2494 as now existing or hereafter amended.

Building Commissioner: The Director of the City of Blue Island Building Department or his or her designee.

Owner: Any person, agent, operator, firm, partnership, association, limited liability company, corporation or other entity having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person: Any individual, trustee, firm, corporation, partnership, limited liability company, association or any other legal entity.

Premises: A lot, plot, or parcel of land, including any structure thereon.

Public nuisance: Includes the following:

1) The physical condition, or uses of any building, structure or premises regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under any applicable ordinance for the City of Blue Island; or

2) Any physical condition, use or occupancy of any premises, structure, building or appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or

3) Any building which has unsanitary sewerage or plumbing facilities; or

4) Any building designated by the Building Commissioner as unsafe for human habitation or use; or

5) Any building which is manifestly capable of being a fire hazard, or manifestly unsafe or insecure so as to endanger life, limb or property; or

6) Any building or premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or

7) Any building that is dangerous, in a state of dilapidation, deterioration or decay; faulty construction; unsecure; vacant and the doors, windows, or other openings are boarded up or secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure; and dangerous to anyone on or near the premises; or

8) Any building or structure defined as a "dangerous building" hereinabove.

Unoccupied Building: A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the Building Commissioner pursuant to authority granted to him or her by applicable ordinances and/or State Statutes.

In determining whether a building is "unoccupied", the Building Commissioner may consider these factors, among others:

1) Substantially all lawful residential or business activity at the Building has ceased.

2) The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units shall be considered.

3) The Building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination.

4) The Building lacks utility services, i.e., water, sewer, electric or natural gas.

5) The Building is the subject of a foreclosure action.

6) The Building is not actively for sale as part of a contractual agreement to sell the Building, the Building lacks "for sale", "for rent" or similar signage.

7) The presence or recurrence of uncorrected code violations.

Vacant Building: Any Building or portion of a Building which is an Unoccupied Building and is:

1) Unsecured; or

2) Secured by boarding or other similar means; or

3) A Dangerous Building; or

4) Condemned by the Building Commissioner pursuant to applicable provisions of this ordinance; or

5) Has multiple code violations; or

6) Has been, or the Premises upon which it is located has been, the site of unlawful activity within the previous six (6) months; or

7) Condemned by the Building Commissioner; or

8) Unlawfully occupied; or

9) Unoccupied for over one hundred eighty (180) days and during which time the Building Commissioner has issued an order to correct public nuisance conditions and the order has not been implemented for at least 60 days; or

10) Unoccupied for over one (1) year

11) An "abandoned residential property," as defined in 65 ILCS 5/11-20-15.1 as a residential dwelling unit that has been unoccupied by any lawful occupant or occupants for at least 90 days, and for which after such 90 day period the City has made good faith efforts to contact the legal owner or owners of the property or, if known, the agent of the owner, and no contact has been made.

But not including:

Unoccupied Buildings for which a permit has been issued and is undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

SECTION SIX

Determination.

1) Within sixty (60) days after the effective date of this ordinance, the Building Commissioner shall evaluate all buildings in the City he or she believes to be unoccupied on the effective date of this ordinance and make a determination for each as to whether the Building is a Vacant Building. The Building Commissioner may determine that a Vacant Building is not to be regulated under this ordinance for a stated period, if, upon consideration of reliable evidence, he or she determines that regulation of the Building under this ordinance would not serve the public health, welfare, and safety and makes written findings in support of his or her decision. For Buildings the Building Commissioner determines to be Vacant Buildings, he shall, within seven (7) days of making that determination, send notice of the written determination with the factual findings to the last taxpayer of record listed on the most recent Cook County tax records. Said notice of determination shall be sent certified mail, return receipt requested. Failure of delivery shall not excuse a person from complying with this ordinance. Any person making such service shall execute an affidavit attesting to the facts of service. The Building Commissioner shall maintain a record of such mailing for each Notice of Determination sent.

2) The Notice of Determination shall set a tentative date and time for the code compliance inspection of the interior of the vacant building to determine the extent of compliance with City property, building codes, health, fire, water and sewer codes. After receipt of the notice of determination, if the owner does not appeal the determination, the owner shall either confirm the tentative date for the inspection or shall schedule a new date and time for same. If the owner fails to confirm the tentative date and time for the inspection or refuses to schedule or permit the inspection it shall be the responsibility of the City to obtain an administrative search warrant to accomplish the inspection. The owner shall pay the Inspection Fees specified in Section Seven (7) to the city within thirty (30) days of receipt of the bill for same.

3) The Notice of Determination shall contain a statement of the obligations of the Owner of a Building determined to be a Vacant Building, a copy of the registration form the Owner is required to file pursuant to Section Nine (9) and a notice of the owner's right to appeal the determination.

SECTION SEVEN

Inspection Fees.

1) For each initial Vacant Building inspection there shall be a five hundred dollar ($500.00) fee. No unused inspections or re-inspections may be accumulated, banked, transferred to another unit or building, bought, sold or transferred at the time of sale.

2) The fee for each additional re-inspection for correction of cited violations shall be:

   a) Seventy-five dollars ($75.00) per dwelling unit with remaining uncorrected violations

   b) Seventy-five dollars ($75.00) per residential common exterior or public area with remaining uncorrected violations

   c) Seventy-five dollars ($75.00) per street address exterior or public area with remaining

uncorrected violations

d) Seventy-five dollars ($75.00) per nonresidential building with remaining uncorrected violations

3) Additional inspection and re-inspection fees may be charged when the City has scheduled the inspection and provided notice and the responsible party does not provide the required access as required in this ordinance.

4) Any unpaid fees shall be a lien upon the Premises

SECTION EIGHT

Appeal of Determination.

1) An owner of a building determined to be a vacant building as provided for in this ordinance may appeal that determination to the Community Development Committee. Such appeal shall be in writing and shall be filed with the Community Development Committee within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal stays the owner's obligation to register his or her building as required by section 9. The appeal shall contain a complete statement of the reasons the owner disputes the determination, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The Community Development Committee shall decide the appeal on the basis of facts presented by the owner in his or her written appeal and the building department's written determination.

2) The burden is upon the owner to present sufficient evidence to persuade the Community Development Committee that it is more likely than not that the subject building is not a "vacant building" within the meaning of this ordinance.

3) The Community Development Committee shall convene a special meeting within seven (7) days from the date of notice of owners appeal. The Community Development Committee must send written notice of its decision to owner. The Community Development Committee may, but is not required to, seek additional information from the owner. The Community Development Committee, upon written notice thereof to the owner, take no more than ten (10) additional days to decide the appeal if the committee determines that such additional time is required for consideration of the appeal.

SECTION NINE

Obligation to Register.

1) The Owner of a Building who knows, or from all the facts and circumstances should know, that his or her Building is or has become a Vacant Building within the meaning of this ordinance after the effective date of this ordinance or the Owner of a Building, which the Building Commissioner determines at any time to be a Vacant Building, or the Owner of a Building whose appeal from the Building Commissioner's determination has been denied by the Community Development Committee shall take the actions provided for below within fifteen (15) days after either the date of the Building Commissioner's Notice of Determination or occurrence of the facts which would cause a reasonable person to believe that the Building is a Vacant Building, or denial of the appeal, whichever is applicable.

Registration requirements:

a) Register the building with the building department on a form provided and pay the two hundred dollar ($200.00) annual nonprorated vacant building registration fee. The form shall include, as a minimum, the name, street address, and telephone number of the owner; the case name and number of any litigation pending concerning or affecting the building, including bankruptcy cases; and the name, street address, and telephone number of all persons with any legal interest in the building or the premises. The form shall require the owner to identify a natural person at least twenty-one (21) years of age who maintains a permanent address in Cook County, Illinois to accept 24-hour service on behalf of the owner with respect to any notices the Building Commissioner sends pursuant to this ordinance or service of process in any proceeding commenced to enforce any provision of this ordinance, and file with the City of Blue Island on the registration form, the name, address, telephone number, of said person. A street address is required. A post office box is not an acceptable address.

b) Renew the Vacant Building registration on September 1st of each year for the remainder of the time the Building remains vacant and pay the required two hundred dollar ($200.00) annual fee.

c) Require the Owner to indicate his or her "acceptance of notice by posting" consenting to service of notices sent or required to be sent, pursuant to this ordinance, by posting on the Building if the Owner fails to renew the registration.

d) File an amended registration within fifteen (15) days of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.

e) Registration does not exonerate the owner from compliance with all applicable codes and ordinances, nor does it preclude any of the actions the City of Blue Island is authorized to take pursuant to this ordinance or elsewhere in the Municipal Code.

2. Inspection: Allow for a code-compliance inspection of the interior of the Vacant Building and the owner shall pay the initial five hundred dollar ($500.00) inspection fee therefore within thirty (30) days of the inspection. Such inspection will determine the extent of compliance with the City of Blue Island property maintenance, building, health, fire, water and sewer codes. The City of Blue Island shall send the inspection report to the owner within thirty (30) days. Periodic reinspections shall take place, as necessary, until code compliance is achieved. Timely code compliance is required.

3. Insurance: Obtain liability insurance and maintain such insurance for as long as the Building is vacant, and file evidence of such insurance with the Building Commissioner or his/her designee, as follows: five hundred thousand dollars ($500,000.00) for a vacant residential building of one to three (3) units; seven hundred fifty thousand dollars ($750,000.00) for a vacant residential building of four (4) to eleven (11) units; one million dollars ($1,000,000.00) for a vacant residential building of twelve (12) to forty eight (48) units; two million dollars ($2,000,000.00) for a vacant residential building of more than forty eight (48) units; and two million dollars ($2,000,000.00) for a vacant manufacturing, industrial, storage, or nonresidential commercial building.

4. Vacant Building Plan: At the time a Building is registered as required herein, the owner shall submit a Vacant Building plan. The Building Commissioner or his/her designee may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this ordinance, the Building Commissioner or his/her designee may determine the plan. The plan shall contain the following as a minimum:

a) A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured or covered by any means other than conventional methods used in the design of the building or permitted for new construction or similar type. The proposed repair shall result in openings being secured by conventional methods used in the design of the building or by methods permitted for new construction

of similar type with board removed. Boarding shall be accomplished with materials and methods described by the Building Commissioner or his/her designee. The owner shall maintain the building in an enclosed and secure state until the building is reoccupied or made available for immediate occupancy. If the owner demonstrates that securing of the building will provide adequate protection to the public, the Building Commissioner may waive the requirement of an enclosure.

b) For Buildings and/or Premises which are determined as being or containing Public Nuisances, as defined in Section Five (5), then the vacant building/premises plan shall contain a plan of action to remedy such public nuisance(s).

c) A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and nuisance identified.

d) When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition.

e) A plan of action to maintain the Building or Premises, thereof in conformance with this ordinance.

f) A plan of action, with a time schedule, identifying the date the building will be habitable and occupied or offered for occupancy or sale. The time schedule shall include date(s) of commencement and completion of all actions required to achieve habitability. No plan which fails to provide for compliance with this ordinance or, which will not, as determined by the Building Commissioner or his/her designee, achieve such compliance, within three (3) months, in the case of a vacant boarded building, and two (2) years, in the case of a vacant, unboarded, and code-compliant building will be approved, except that the Building Commissioner may approve an extension of the time during which the building will be unoccupied beyond two (2) years to a date certain but then only based upon clear and documented evidence of good cause shown by the owner as determined.

g) The Owner shall conduct, at a minimum, bi-weekly inspections of all premises upon which unoccupied or vacant buildings are located and the exteriors shall at all times be maintained in compliance with this ordinance.

h) Exterior lighting shall be maintained according to standards established by the City of Blue Island and

i) All ground floor windows facing street frontage in the Commercial District, including but not limited to, all display windows in Unoccupied Buildings or Vacant Buildings shall be kept in a well maintained and clean condition and shall be covered on the interior side in a professionally finished manner with an opaque window covering material manufactured for that purpose and approved by the Building Commissioner, or in the case of display windows, such windows shall be kept in a well maintained and clean condition and the display area shall be enclosed with a professionally finished backdrop, floor, side walls and ceiling all of which shall be kept in a well maintained and clean condition and shall be well lighted from 10:00 a.m. to 10:00 p.m. each day. Photographs, paintings and other works of art or other tasteful forms of decoration may be professionally displayed in these properly enclosed clear glass display windows. If opaque window covering material is used, a 1' x 1' clear glass opening through which the interior space is clearly visible shall be maintained at standing eye level along one (1) edge of one (1) such window.

5) Security Guard Service: On written notice, the owner shall provide bonded, licensed, and insured security guard service at the building from 3:00p.m.through 8:00 a.m. daily. Such service shall remain in place until the Building Commissioner or his/her designee gives written notice that the service is no longer required. Such service shall be required when the Building Commissioner or his/her designee makes a written determination that the vacant building constitutes a fire hazard, is otherwise dangerous to human life or the public welfare, involves illegal or improper use, occupancy, or maintenance, under such conditions that securing the building is insufficient to prevent the actual or threatened harm.

SECTION TEN

Approval of Plan:

1. Review Building Plan: The Building Commissioner shall review the proposed Vacant Building Plan in accordance with the standards below. The Building Commissioner shall send notice to the owner of the vacant building of his or her determination.

2. Standards For Plan Approval: In considering the appropriateness of a Vacant Building Plan, the Building Commissioner shall include the following in his or her consideration and shall make written findings as to each:

   a) The purposes of this ordinance and intent of the City of Blue Island to minimize the time a Building is boarded or otherwise vacant.

   b) The effect of the Building and the proposed plan on adjoining property.

   c) The length of time the Building has been vacant.

   d) The presence of any Public Nuisances on the Premises.

   e) The likelihood that the plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address.

3. Authority to Modify Plan. The Building Commissioner shall, upon notice to the vacant building owner, have the right to modify the vacant building plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements consistent with this ordinance he or she deems necessary to protect the public health, safety, or welfare.

4. Appeal. An Owner may appeal any modification of a Vacant Building plan instituted by the Building Commissioner to the Community Development Committee. Such appeal shall be in writing and shall be filed with the Community Development Committee within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal stays the Owner's obligation to commence implementation of the Vacant Building Plan. The appeal shall contain a complete statement of the reasons the Owner disputes the Building Commissioner's modification, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The Community Development Committee shall convene a special meeting within seven (7) days from the date of notice of owners appeal. The Community Development Committee shall decide the appeal on the basis of facts presented by the Owner in his or her written appeal and the Building Commissioner's written determination.

   a) The burden is upon the Owner to present sufficient evidence to persuade the Community Development Committee that the modification is not required by the ordinance or is arbitrary.

   b) The Community Development Committee shall send written notice of its determination to the owner within ten (10) days of his or her receipt of the appeal. The Community Development Committee may, but is not required to, seek additional information from the Owner. The Community Development Committee may, upon written notice thereof to the Owner, take no more than ten (10) additional days to decide the appeal if the committee determines that such additional time is required for consideration of the appeal.

5. Failure To Comply With Vacant Building Plan. Failure to have an approved plan within thirty (30) days of filing the registration form or failure to comply with the approved plan shall constitute a violation of this ordinance subjecting the owner of the building to penalties as provided in this ordinance and to any

remedies the City of Blue Island may avail itself of as provided for herein and elsewhere in the Municipal Code, including but not limited to, an action to compel correction of property maintenance violations.

SECTION ELEVEN

Other Enforcement.

The registration of a Vacant Building shall not preclude action by the City of Blue Island to demolish or to take other action against the building pursuant to other provisions of this ordinance, the Illinois Municipal Code, or other applicable legislation, including the action authorized in Section Twelve (12).

SECTION TWELVE

Property Maintenance:

1. Nuisance Abatement. The City is authorized to perform or provide for property maintenance activities to abate a nuisance caused by a vacant building, including the following:

   a) Cutting and removal of neglected weeds, grass, trees, and bushes as authorized by Ordinance number 2494 and 65 ILCS 5/11-20-7;

   b) Pest control activities, as authorized by 65 ILCS 5/11-20-8;

   c) Removal of infected trees as authorized by Ordinance number 2494 and 65 ILCS 5/11-20-12;

   d) Removal of garbage, debris, and graffiti as authorized by Ordinance number 2494 and 65 ILCS 5/11-20-13, and

   e) Removal, securing, and enclosing abandoned residential properties, as authorized by Ordinance number 2494 and 65 ILCS 5/11-31-1.01.

2. Charges for Nuisance Abatement. The City shall have the authority to collect from the Owner the costs incurred in performing the property maintenance activities to abate the nuisances described in this ordinance. The City shall send a bill for the cost to the Owner, his agent, legal representative, or occupant in legal possession or control of the premises.

3. Traditional Lien Procedure. If a bill sent pursuant to paragraph 2 is not paid in full within 30 days of the date of the bill, the City shall have the authority to file and record a lien against the property, pursuant to Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15. If, for any one property, the City engaged in any nuisance abatement activity described in paragraph 1 on more than one occasion during the course of one year, the City may combine any or all of the costs of those activities into a single notice of lien. The lien must be filed in accordance with the lien procedure established by the specific code provision of which the property is alleged to be in violation or, if no such procedure exists, then the following procedure shall apply

   a) Notice of Lien. The City or the person performing the service by authority of the City, in its, his or her own name, may file a notice of lien in the office of the recorder of deeds in the county in which the real estate is located. The notice of lien shall be filed within one year after the cost and expense is

incurred. If, for any one property, the City engaged in any nuisance abatement activity described in Paragraph 2 on more than one occasion during the course of one year, then the City may combine any or all of the costs of those activities into a single notice of lien.

The notice of lien shall consist of a sworn statement setting forth:

1) A description of the real estate that sufficiently describes the parcel;

2) The amount of the cost and expense incurred or payable for the activities; and

3) The date or dates when such cost and expense was incurred by the City or someone working on behalf of the City.

After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

b) Release of Lien. Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the City or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.

c) Foreclosure of Lien. Subsequent to the filing of the above-described lien, the City may cause to be filed a complaint for foreclosure of such lien, or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint the City may proceed in its corporate name to foreclose such lien. An action to foreclose a lien under this Section must be commenced within two years after the date of filing notice of lien. The property subject to a lien arising under this article shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the monies owing the City of Blue Island.

4. Priority Lien Procedure. The priority lien procedure described in this Paragraph 4 shall apply only to costs incurred for activities performed on abandoned residential properties, as defined in subsection 65 ILCS 5/11-20-15.1 and is an alternative to the traditional lien authorized by paragraph 3. If a bill sent pursuant to paragraph 2 is not paid in full within 60 days of the date of the bill, the City shall have the authority to file and record a priority lien against the property,

a) Notice of Lien. The City or the person performing the service by authority of the City, in its, his or her own name, may file a notice of lien in the office of the recorder of deeds in the county in which the real estate is located. The notice of lien shall be filed within one year after the cost and expense is incurred. If, for any one property, the City engaged in any nuisance abatement activity described in paragraph 2 on more than one occasion during the course of one year, then the City may combine any or all of the costs of those activities into a single notice of lien.

The notice of lien shall consist of a sworn statement setting forth:

1) A description of the real estate that sufficiently describes the parcel

2) The amount of the cost and expense incurred or payable for the activities; and

3) The date or dates when such cost and expense was incurred by the City or someone working on behalf of the City.

4) A statement that the lien has been filed pursuant to one or more of the property maintenance activities described in Paragraph 1 of this section and authorized by 65 ILCS 5/11-20-7(d), 65ILCS 5/11-20-8(d), 65 ILCS 5/11-20-12(d), 65 ILCS 5/11-20-13(e), 65 ILCS 5/11-21-1.01, as applicable.

After recording, the notice of lien shall be sent by certified mail to the Owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

The City may not file a lien if the lender has provided notice to the City that the lender has performed, or will perform, remedial actions; provided, however, that the remedial actions must be performed or initiated in good faith within 30 days of the lender's notice to the City.

b) Recordkeeping. To enforce a lien pursuant to this paragraph 4, the City must maintain contemporaneous records that include, at a minimum:

1) A dated statement of a finding by the City that the property has become abandoned residential property;

2) the date when the property was first observed to be unoccupied by any lawful occupant;

3) a description of the actions taken by the City to contact the legal owner of the property, or if known, any agent of the owner;

4) a statement that no contacts were made with the legal owner or, if known, any agent of the owner;

5) a dated certification by a City official of the necessity and specific nature of the work performed;

6) a copy of the agreement with the person or company performing the work and the rates and estimated cost of the work, if applicable;

7) detailed invoices and payment vouchers for the work;

8) a statement whether the work was competitively bid, and if so, a copy of all proposals submitted by the bidders.

c) Release of Lien. Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the City or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.

d) Enforcement of Lien. Subsequent to the filing of the above-described lien, the City may cause to be filed a complaint for foreclosure of such lien, or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint the City may proceed in its corporate name to foreclose such lien. An action to foreclose a lien under this Section must be commenced within two years after the date of filing notice

of lien. The property subject to a lien arising under this article shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the monies owing the City.

SECTION THIRTEEN

Certification.

A certificate of compliance for vacant buildings must be issued by the City of Blue Island and payment in full of all fees imposed pursuant to this ordinance are required prior to any occupancy of a vacant building.

SECTION FOURTEEN

Boarding of Buildings.

It is the policy of the City of Blue Island that boarding is a temporary solution to prevent unauthorized entry into a vacant building and that boarded buildings are a public nuisance. A vacant building may not remain boarded longer than three (3) months unless an extension of that time is part of a plan approved by the Building Commissioner. A vacant building which is unboarded and code compliant and for which boarding is determined by the Building Commissioner on the basis of police reports, citizen complaints, and other information of other type considered reliable by reasonable persons, to not require boarding to prevent unauthorized entry may not remain vacant for more than two (2) years without an approved plan for occupancy, sale, demolition, or other disposition of the building.

SECTION FIFTEEN

Enforcement and penalties.

1. Any person, firm, or corporation found to have violated any provision of this article shall be subject to a minimum fine of one hundred dollars ($100.00) per day per violation to a maximum of seven hundred fifty dollars ($750.00) per day per violation, in addition to any other legal or equitable remedies available to the City of Blue Island. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the City of Blue Island may have thereon.

2. A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this ordinance.

3. The City of Blue Island may enforce this ordinance in its administrative adjudication system or through the circuit court.

4. Nothing herein contained shall prohibit the City of Blue Island from immediately condemning as provided for in the Illinois Municipal Code or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public, health, safety and welfare.

SECTION SIXTEEN

Notice to City Council

Once every six (6) months, the Building Commissioner or his/her designee shall send notice to the City Council a list of all vacant buildings which have become known during the preceding six (6) months, as well as a list of all previously declared buildings which are no longer vacant. The notice shall include a summary of fees and fines assessed and collected, the compliance and non-compliance rate of property owners, and other pertinent information in order for the City Council to make sound decisions regarding future affairs. Said reports will also be provided to the Police Department, Fire Department and Community Development Department.

SECTION SEVENTEEN

Severability.

In the event any section of this ordinance or any part of any section of this ordinance is declared to be unconstitutional, such decision shall in no way affect the operation of any other section or part thereof, the remainder of this ordinance shall remain in full force and effect.

PASSED this _____ day of _____, 2011.

_____

CITY CLERK OF THE CITY OF BLUE ISLAND
COUNTY OF COOK AND STATE OF ILLINOIS

VOTING AYE: _____

_____

_____

VOTING NAY: _____

_____

ABSENT: _____

ABSTAIN: _____

APPROVED: this _____ day of _____, 2011.

_____

MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and **Filed** in my office this

_____ day of _____, 2011.

_____

CITY CLERK

PUBLISHED in pamphlet form this
_____ day of _____, 2011.

_____

CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE RESCINDING HANDICAPPED PARKING RESTRICTIONS ON A PORTION OF A CERTAIN STREET WITHIN THE CITY OF BLUE ISLAND, COUNTY OF COOK AND STATE OF ILLINOIS

BE IT ORDAINED by the City Council of the City of Blue Island, County of Cook and State of Illinois, as follows:

SECTION ONE

That the handicapped parking only restrictions presently in existence for the premises located at 12133 Ann Street, Blue Island, Illinois, is hereby repealed and rescinded.

SECTION TWO

The Superintendent of Public Works shall remove all signs on the portion of the street for the property whose common address is 12133 Ann Street, which restricts parking for handicapped parking only.

SECTION THREE

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION FOUR

This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. A full, true and complete copy of this ordinance shall be published in pamphlet form, by authority of the City Council as Corporate Authorities.

PASSED this _____ day of _____, 2011.

_____
CITY CLERK OF THE CITY OF BLUE ISLAND
COUNTY OF COOK AND STATE OF ILLINOIS

VOTING AYE: _____

_____

_____

VOTING NAY: _____

_____

ABSENT: _____

ABSTAIN: _____

APPROVED: this _____ day of _____, 2011.

_____
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and **Filed** in my office this

_____ day of _____, 2011.

_____
CITY CLERK

PUBLISHED in pamphlet form this
_____ day of _____, 2011.

_____
CITY CLERK

JOURNAL OF PROCEEDING
OF THE
REGULAR MEETING, AUGUST 9, 2011

CALL TO ORDER

The regular meeting of the City Council of the City of Blue Island was called to order by Mayor Peloquin at 7:00 p.m. on August 9, 2011.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call indicates the following:

Present:	11	Ald. Vargas, Thompson, Cheatle, Vieyra, Patoska, Rita, Ruthenberg, Stone, Ostling, Janko, Frausto.
Absent:	3	Ald. Natalino, Spizzirri, Johnson.
Present Also:		Pam Frasor, City Clerk Jim Brosnahan, City Attorney Carmine Bilotto, City Treasurer

JOURNAL OF PROCEEDING

Moved by Ald. Vargas, second by Ald. Janko the Journal Of Proceedings for the regular meeting on July 26, 2011 is accepted as printed.

Upon a vote, the Mayor declared the motion carried.

REPORT OF CITY OFFICIALS

Mayor

MOMENT OF SILENCE

Mayor Peloquin asked for a Moment of Silence for the Soldiers we lost in the helicopter shoot down and for Don DiSantis, a retired City's Engineer who was 90 years old.

JEWEL PROPERTY

The Mayor announced that they are still in negotiations with the Jewel Property and the Developers.

VINCENNES APARTMENTS

Mayor Peloquin confirmed that the Vincennes Apartments did change hands and there will be immediate improvements made. They will be keeping the good tenants and weeding out the bad ones. They are also interested in buying the property across the street.

BIDS

The Mayor announced that the Deer Point Bids were opened and Tom Nagel, City's Engineer will be presenting them.

Mayor Peloquin invited State Representative Bob Rita to the Podium to announce a proposal he has brought to the City.

STATE REPRESENTATIVE RITA

State Representative Rita took the podium and announced he may have a solution for the 2 closed bridges to be reopened again. The State Rep stated that the City owns the bridges and the State will not come in and fix bridges that are owned by a municipality. With some talks with State we have been able to enter into a bridge program but they wanted to have a commitment with the City of Blue Island. It would be an 80% funding and a 20% local level. Talking with Mayor Peloquin we came up with a plan. If you recall with the Hospital, the State came up with some incentives and provided some tools for the transaction. One of the tools that the City did along with the State was to create a TIF District 5. One of the proposals we can do legislatively and or with the City or combination of both is extend the boundaries of that TIF District to include both Chatham and Division Street Bridges. Which would be a revenue stream that the City would be able to possible sell some bonds to come up with the match. It's approximately 7 million dollars per bridge, so a match would be around 1.3 million dollars, which over the term of the TIF is approximately 20 years. IDOT is willing to work with the City as long as they're making a commitment.

State Representative Rita would like to move forward with this so the bridges can be opened.

The other item that State Representative Rita wanted to announce is that he has about $500,000 in road resurfacing money, which is ready to go for the 2nd and 6th Wards. It is ready to go to bid and could be completed by fall.

Mayor Peloquin reiterated what the Representative is basically saying is that normally in a TIF either to expend the length or its boundaries you need legislative support, you need the people in Springfield to work with you. What Representative Rita has brought to us is asking the City to work with him to try and use that TIF. Either to expand the TIF and encompass the areas around the bridges or to figure out a way to make that TIF be able to fund our 1.3 million dollars for the bridge improvements that we need to do to go ahead with the funds that we've been applying for the past 3 years.

The Mayor stated that he wasn't sure that it could be done but after talking with Representative Rita, with his leadership in Springfield we can probably move this to a positive end and move things forward.

Mayor Peloquin is asking Council to concur with him and State Representative Rita in allowing them to move forward with this project. The Mayor stated that we need something official to give to Representative Rita to take back to Springfield that the City is willing to commit long term to these dollars so that IDOT will see there is a long-term commitment.

On the Question: Ald. Patoska asked if there was going to be a complete rebuild of these bridges.

Mayor Peloquin stated that first work will be done on the Chatham Street Bridge and see how the funding proceeds on this and yes it would be a rebuilding.

State Representative Rita stated that by September 12th some sort of a letter or application has to be submitted to make sure that you're on the list. There has to be some sort of commitment from the City in such a way of a funding source to say how can we come up with the 20% match.

Ald. Patoska asked how are the bridges being prioritized, Chatham Street over Division Street.

Mayor Peloquin stated that the Chatham Street Bridge is the closest one to the TIF, it is part of the Cal Sag Trail and it has our water main running across it.

The approval is to expand the TIF and to allocate funding out of the TIF to match this if we can.

Motion by Ald. Rita, second by Ald. Vieyra to approve.

On the Question: Ald. Janko asked what the proposed timetable is.

Representative Rita stated he does not know.

Ayes:	11	Ald. Vargas, Thompson, Cheatle, Vieyra, Patoska, Rita, Ruthenberg, Stone, Ostling, Janko, Frausto.

Nays: 0

Absent: 3 Ald. Natalino, Spizzirri, Johnson.

Abstain: 0

There being Eleven (11) affirmative Votes, the Mayor declared the motion carried.

Clerk Frasor asked Representative Rita what he needs to take to Springfield, would a certified copy of these minutes be good.

Representative Rita stated yes or a letter from the Mayor.

Mayor Peloquin stated that he would like a letter from his office along with a certified copy of these minutes with the roll call to be taken down to Springfield.

Ald. Thompson thanked Representative Rita for bring that to the City and to some resolution to the bridge catastrophe that we have.

Representative Rita explained that when they passed the Capital Bill apart of it was caught up with the Supreme Court trying to rule that it was unconstitutional to tie all this funding together.

The Mayor stated that this was tied to the Gaming Bill.

Representative Rita stated this was all tied up with the Gaming Bill and the Candy Tax and they said it was unconstitutional to tie all this funding together.

The Mayor stated he would get back to Council when the funding gets released and where it would be used.

Mayor Peloquin thanked State Representative Rita for bring that to the City and hopes that he continues to do so.

QUESTIONS TO THE MAYOR

No Questions.

BIDS

On Tuesday, August 09, 2011 Mr. Tom Nagel, City Engineer, opened sealed bids at 10:00 a.m. at the Blue Island City Clerk's Office for Blue Island Deer Point Subdivision Letter of Credit for completion of Roadway & Drainage Improvements.

Bids are as follows:

Alpha Construction Company –	$256,649.30
Crowley Sheppard Asphalt –	$464,959.50
Northwest General Contractors -	$385,419.00

Mr. Nagel reviewed the bids and made his recommendation to award the contract to Alpha Construction Company.

Motion by Ald. Frausto, second by Ald. Janko to approve.

On the Question: Ald. Frausto asked how this is going to be paid for.

Mr. Nagel stated that the project would not be paid from the corporate funds of Blue Island; it's being paid from a letter of credit that the Developer was made to post prior starting to work. The letter of credit covers is the publicly owned infrastructure, the grating of the retention pond, the storm sewers, the paving, the curb everything the City is going to own once the project is done. This does not include anything on private property.

Ald. Stone asked if this gets approved tonight when will the work begin and would it be completed before winter.

Mr. Nagel stated the contractor stated they could begin about three weeks after recommendation has been awarded; the residents have been notified to expect starting around Labor Day.

Ayes:	11	Ald. Vargas, Thompson, Cheatle, Vieyra, Patoska, Rita, Ruthenberg, Stone, Ostling, Janko, Frausto.
Nays:	0	
Absent:	3	Ald. Natalino, Spizzirri, Johnson.

Abstain: 0

There being Eleven (11) affirmative Votes, the Mayor declared the motion carried.

Mr. Nagel updated Council regarding the elevated tank-painting job. Due to the extended bidding period using USEPA funds, the bid date was changed to the 10th. The bids will be reviewed and a recommendation letter will be made but because of the timetable on it, it has to be done before September 1st. There will be a special meeting to award the bid.

Mayor Peloquin stated on Monday or Tuesday there would be a special meeting just to ward this bid.

Mayor Peloquin announced under his business a collection contract has to be renewed and asked Attorney Brosnahan to explain it to Council.

Attorney Brosnahan stated this is actually a renewal of a collections contract. The company is MCSI, they collect all the money due from municipal violations. The prior contract the company received 45% of the money they would collect. With this new contract the company would be receiving 30% of the balance that they collect. Financially this is better for the City.

Motion by Ald. Ostling, second by Ald. Janko to approve.

Ayes:	11	Ald. Vargas, Thompson, Cheatle, Vieyra, Patoska, Rita, Ruthenberg, Stone, Ostling, Janko, Frausto.
Nays:	0	
Absent:	3	Ald. Natalino, Spizzirri, Johnson.
Abstain:	0	

There being Eleven (11) affirmative Votes, the Mayor declared the motion carried.

CITY CLERK

Mission Covenant Church at 2501 Collins Street is requesting permission for their annual Rummage Sale on Saturday, August 13, 2011 from 8:00 a.m. to 2:00 p.m.

Blue Island Untouchables Cheerleading is requesting permission to tag on Saturday, August 27th and Sunday, August 28th.

Dan McLaughlin, President of the South End Alanon Klub at 2508 Collins is requesting permission for their annual Dare Program Picnic on September 4, 2011 and is also requesting a Fire truck and a Squad car.

The Girl Scouts are requesting permission for their annual Cookie Sales.

Lorenzo Nevarez, Assistant Principal of Veterans Memorial Middle School is requesting permission to have their annual Walk-A-Thon on Friday, September 30, 2011 from 8:30 a.m. to 12:30 p.m.

Blue Island Professional Firefighters Association is requesting permission for their annual Fill the Boot drive for Muscular Dystrophy on Thursday, August 18th and Friday, August 19th.

Motion by Ald. Stone, second by Ald. Cheatle to approve all the requests.

Upon a vote, the Mayor declared the motion carried.

The Maple Tree Inn at 13301 Olde Western Avenue is requesting permission to put up a tent in the parking lot across Canal Street on Sunday, August 28th for their BBQ Feast.

Motion by Ald. Frausto, second by Ald. Janko to approve.

Upon a motion, the Mayor declared the motion carried.

Ald. Vierya asked if the residents could be notified.

Clerk Frasor stated it wouldn't be blocking traffic.

Clerk Frasor informed the Aldermen she had given them a packet on Handicapped Parking with instructions and applications.

Regina Redd of 2957 W. 142nd Pl. is requesting permission to have a Block Party on August 27th at the 2800 – 2900 block of West 142nd Place.

Motion by Ald. Frausto, second by Ald. Rita to approve.

Upon a vote, the Mayor declared the motion carried.

CITY TREASURER

Motion by Ald. Patoska, second by Ald. Rita to accept the Treasurer's Report for the period ending July 31, 2011 and to be placed on file.

Upon a vote, the Mayor declared the motion carried.

CITY ATTORNEY

Motion by Ald. Janko, second by Ald. Ruthenberg the headings be read and then a motion for adoption.

Upon on a vote, the Mayor declared the motion carried.

ORDINANCE NO. 11-139 **AN ORDINANCE RESTRICTING A PORTION OF A CERTAIN STREET FOR HANDICAPPED PARKING ONLY WITHIN THE CITY OF BLUE ISLAND, COUNTY OF COOK, STATE OF ILLINOIS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

Location: 2050 York Street.

ORDINANCE NO. 11-140 **AN ORDINANCE RESCINDING HANDICAPPED PARKING RESTRICTIONS ON PORTIONS OF CERTAIN STREETS WITHIN THE CITY OF BLUE ISLAND, COUNTY OF COOK AND STATE OF ILLINOIS.**

Locations: 2424 Collins and 12800 Lincoln.

Motion by Ald. Janko, second by Ald. Cheatle to adopt.

Ayes:	11	Ald. Vargas, Thompson, Cheatle, Vieyra, Patoska, Rita, Ruthenberg, Stone, Ostling, Janko, Frausto.
Nays:	0	
Absent:	3	Ald. Natalino, Spizzirri, Johnson.
Abstain:	0	

There being Eleven (11) affirmative Votes, the Mayor declared the motion carried.

COMMITTEE REPORTS

Finance Committee – Ald. Stone, Chairman

ACCOUNTS PAYABLE

Motion by Ald. Stone, second by Ald. Ostling to approve Accounts Payable for the period ending August 9, 2011 for the amount of $444,672.75.

Ayes:	11	Ald. Vargas, Thompson, Cheatle, Vieyra, Patoska, Rita, Ruthenberg, Stone, Ostling, Janko, Frausto.
Nays:	0	
Absent:	3	Ald. Natalino, Spizzirri, Johnson.
Abstain:	0	

There being Eleven (11) affirmative Votes, the Mayor declared the motion carried.

PAYROLL

Motion by Ald. Stone, second by Ald. Cheatle to approve Payroll for August 5, 2011 – Net Pay - $236,355.80 - Total Gross - $383,627.45.

Ayes:	11	Ald. Vargas, Thompson, Cheatle, Vieyra, Patoska, Rita, Ruthenberg, Stone, Ostling, Janko, Frausto.

Nays: 0

Absent: 3 Ald. Natalino, Spizzirri, Johnson.

Abstain: 0

There being Eleven (11) affirmative Votes, the Mayor declared the motion carried.

Judiciary Committee – Ald. Vargas, Chairman

VACANT PROPERTY ORDINANCE –
According to Mr. Mindeman the above-mentioned Ordinance, which was prepared by the Building Department and Ald. Patoska, should be drafted. The proposed Ordinance has new enforcement policies; upgrades in regulation and has been prepared with existing Ordinances in mind.

The final draft as of this meeting has not been completed. Ald. Janko asked if the new proposed Ordinance has been combined with the old. According to City Attorney Terry Sullivan, three pages have been added to the proposed Ordinance. Copies of these pages were sent to Ald. Vargas, Attorney Sullivan and to the Building Department. The added sections, address nuisances, grass and weeds, and State mandated Enforcement codes.

The Building Department would like to increase the fines from $750 to double that amount for non-compliance. The question amount the Committee member was how much time would be given to violators? Ald. Janko suggested to double the fine for non-compliance after 15 days, other Committee members preferred doubling the fine every 30 days to coincide with Housing Court Hearing dates.

It was suggested that a fee structure could be adopted now and supplemented/amended later.

Motion by Ald. Vargas, second by Ald. Janko to approve.

Upon a vote, the Mayor declared the motion carried.

There was a suggestion whether the City could impose liens on non-compliance property. According to Ald. Patoska every single structure within the City was accounted for and if something was left out the proposed Ordinance could be modified by the City Council at anytime.

In fact regarding inspection fees, the members of the Committee concurred that the costs could be increased.

There was a motion to recommend that the City Attorney prepare the VACANT PROPERTY ORDINANCE; the Committee agreed to vote on the motion after the proposed special Judiciary meeting to be held at 6:30 p.m. on August 9, 2011.

CITY STICKERS –
Attorney Sullivan advised the Committee that the City would have no objection if a Blue Island resident covered the name of St. Benedict's Parish on its 2011 city sticker as long as the date, City's name and number was not obstructed and was done in a respectful way.

The present sticker was recognizing the HISTORIC EVENT in the community and not any one particular religion or church. The present sticker does not have any symbol of Christianity on it.

Aldermen and Committee members present concurred that NONE had received complaints regarding the 2011 Blue Island City Sticker.

There were comments that an alternative city sticker (basic information) is sold to any resident objecting the existing one.

HOUSE PARTY REQUEST FORMS –
Ald. Vieyra requested that this Committee look into modifying the present form due to some loopholes. Specifically regarding the number of people allowed to attend and the playing of music (DJ's and live bands).

City Treasurer Bilotto wants the Committee to address sidewalk advertising by local business, specifically persons wearing some type of costume (for example Statue of Liberty, Uncle Sam). There could be safety issues and use of public way issues.

A resident requested the Committee look into Bee Keeping in Blue Island; it will be addressed at the next meeting.

INSURANCE LOSS –
Car damaged on Vernon Street due to a tree. Committee requested 2 additional quotes for car repair

Next meeting – Tuesday, September 6, 2011, 6:00 pm – East Annex.

Public Health & Safety Committee – Ald. Ostling, Chairman

No Report.

Next meeting – Thursday, August 18, 2011, 6:30 p.m. – Lower Level of the Police Department.

Municipal Services Committee – Ald. Janko, Chairman

Ald. Janko thanked the Superintendents of Public Works and Water Department for their assistance and participation in the KABOOM project at Kiddie Korral at 121st and Highland Avenue. There were 309 volunteers who participated.

Ald. Janko reported that he has had contact with Metra and is in the process of setting up a meeting with a representative from Metra and opening a dialect with a representative and the Committee.

Ald. Vieyra and the Superintendent discussed a resident request for do not block driveway signage (2300 Union St.). Ald. Vieyra will follow up with the Building Department.
Ald. Janko read a report submitted by Joe Werner Superintendent of Water Department. Mr. Werner indicated that he has sent information to the entire committee regarding quiet zones and the railroad. He is working with the City Clerk to investigate the possibility of having the water bill payment on line for residents. He is investigating areas in the City that are experiencing increased or first time flooding an will report findings back to the City. He is still attempting to get a meeting with IDOT on getting the sewer/street repaired on Vermont. He has submitted a request for purchase orders to the Finance Committee for the items that were approved by this Committee and the City Council as a whole. Once he receives the purchase orders he will begin moving forward with the upgrades and purchases.
Superintendent Stachulak reported that pothole repairs are on going but this has been delayed due to rain. He reported that

he has been working with the Building Department and getting abandoned residential properties mowed throughout the City. Sidewalks trip hazards are being repaired to date they have replaced 82 sidewalks squares that were identified as hazards and still have a few more to complete. He reported that Urban Forestry board has been taking an inventory of the Ash Tree's throughout the City. He presented a list of suggested tree species that is available to residents wanting or requesting trees. Val Kehoe and Ald. Cheatle put this together.
He reported that Union Street project is just about 100% complete. Ald. Janko asked if the Street Department could freshen up the cross walk stripes near the schools in that they will be opening shortly and he indicated that crews are currently being scheduled to commence the painting and re-stripping.
Superintendent of Golf Jerry Vidovic reported on the many repair and reconstruction projects that are on going at the Meadows Golf Club. Jerry reported that he has had some increased cost with chemicals die to the large amounts of rain and humidity and the effects it has had on the green. They are rebuilding a few bunkers keeping them up to USGA specifications and are about 2/3 of the way complete. He has been in touch with the Water Reclamation District and the use of Bio Solids. He is still investigating. He is redoing some T-Boxes to level them off and elongate and widen them. The Golf Course has had a couple of its most successful months recently with the most playable days per month in month. June had 26 playable days and July had 24.5 playable days. Jerry is investigating and gathering info on gaming machines for the Golf Course Club House. The cart path on hole 3 is being worked on he also discussed the contract with Service-scape and options that are available to the City in regards to renewal or changes. Mr. Vidovic indicated that there are many things to consider when making changes. Ald. Janko asked for a summation and break down of the pros and cons of changing our contract with Service-scape. The Committee requested financial statements with regard to income and expenses for the past months, April through August for the next meeting. He indicated that he would have it.

Ald. Janko read a list of concerns provided by Ald. Thompson for her Ward that she wished to make a matter of record. They are:
(1) Adequate sewer systems to prevent indoor flooding of homes

and basements. (2) New streets and curbs. (3) New sidewalks. (4) Old trees trimmed. (5) New trees planted in parkways. (6) Grass cut and debris picked up at 119th and Vincennes around the old car dealership that was there. (7) The Metra Train station parking lot at 119th cleaned with sweeper. (8) Clean and maintain the area known as the Berm at 119th decent if not beautiful. As newly elected Alderman of this area I am asking what the about information be made part of the public records of this Committee.

Citizens wishing to address the Committee:
Sandy Quinn addressed the Committee on open space and community gardens. She also mentioned the importance of bees and bee keeping within the City. The Judiciary Committee is looking into current ordinances and restrictions.

Next meeting – Tuesday, September 6, 2011 at 7:00 p.m. – East Annex.

Community Development – Ald. Natalino, Chairman

No Report.

Next Meeting – Tuesday, August 16, 2011, 6:30 p.m. – East Annex.

CITIZENS WISHING TO ADDRESS THE COUNCIL REGARDING THIS EVENING BUSINESS

Marilyn Murray of 3136 W. 141st Street asked if the City could cut the grass in the lot that is between 3112 and 3120 W. 141st Street and thanked Ald. Frausto for the lights.

Mayor Peloquin stated he would look into it.

Ald. Frausto stated he just conveyed the message to Superintendent Stachulak.

Candice Carr of 12523 Fairview asked the Mayor if they would need a waiver for "Dine with your Dog Night". She stated that the Health Inspector told her there would be no problem but there would be some restrictions to follow but someone had went to the restaurant owner they would need a waiver.

Mayor Peloquin stated he would call the Mayor's from other cities that have done this to see what procedures they followed and would get back to her.

Ald. Cheatle asked if the Health Inspector wanted them to have something in writing in regards to the responsibility or liability in case something happened.

The Mayor stated he would find out if a waiver were involved.

Joe Pierce, former City Employee stated he had 2 major surgeries within 5 weeks for cancer and open heart and he is happy to announce that he is cancer free. He thanked everybody for all the calls he received.

Kevin Murphy 2317 Florence announced he would be teaching, "Tame your PC before it tames you" at the Library once again.

Donna Lee of 2957 w. 142nd Street asked Ald. Vargas when the vacant lot ordinance would be passed and thanked the Chief of Police for Deer Point having more patrols.

Ald. Vargas stated the ordinance should be passed at the next Council Meeting.

Mr. Emanuel of 2853 W. 142nd Place asked what the time lines was to finish the streets and about the swamps.

Mayor Peloquin stated the bids for the streets passed earlier tonight and the contracts will take about 2-3 weeks. The project will then start after the contracts and would take about 1 week to 10 days to finish the project. The Mayor will have to take a look at the swamp area.

Mr. Emanuel asked what is going on with development and with Tom.

The Mayor stated that he had seen Tom on T.V.

Mayor Peloquin stated that the Bank has a hearing set on or around the 22nd of this month and the courts will appoint a receiver. Once a receiver is appointed they will schedule a meeting with all the residents to try and clear up all the problems the residents have with warranties.

Mr. Emanuel asked if Tom would get to finish the project.

The Mayor stated he doubts that Tom will have anything to do with it, that the Bank is getting titles of the properties.

Mr. Emanuel is very confused along with the other residents who seen Tom on T.V. stating that they all are behind him and support him and that is far from the truth. Does he have to call the newspapers of get on the news and correct this?

The Mayor stated he does not want to do that, to do exactly what they have been doing and to stay focused. He suggested that the residents make a checklist for all the things you have problems with and want answers to. So the receiver would have something in writing and not verbal.

Mr. Emanuel asked when that would be needed by.

The Mayor stated he doesn't need it the receiver is going to need it but the Mayor suggested to make a list of all the warranty issues for your property and a major list about the vacant property, the roads, the lights or anything like that. The City would be glad to sit in the meeting with you.

Mr. Emanuel asked if he could sit in the meeting with the Bank.

The Mayor stated no, the Bank won't sit with anybody until courts done.

Mrs. Lee wanted to e-mail the CEO of the vacant lot properties. They will be having a block party on the 27th and need the grass to be cut in certain areas.

The Mayor stated to give him a chance and he would work on it for her and will bring it up to the bank.

Mr. Emanuel stated he wants to be apart of Blue Island but feels like he's the black sheep in town.

Mayor Peloquin stated each Aldermen feels the same way, he can take him in each of the Wards and show him the problems they have. He stated the City is old and has problems.

Mr. Emanuel asked if Tom is responsible for the lots or the Banks.

The Mayor stated nobody is, the City is going to take responsibility for those lots.

Ald. Thompson thanked Superintendent Stachulak very much for coming out so quickly to remove a tree that had fallen on power lines due to the storm.

ADJOURNMENT

Motion by Ald. Vargas, second by Ald. Frausto to adjourn.

Upon a vote, the Mayor declared the motion carried.

The next regular meeting of the City Council is scheduled for August 23, 2011 at 7:00 p.m.

Pam Frasor

Pam Frasor, City Clerk

APPROVED BY ME THIS
11TH DAY OF JULY, 2011.

Donald E. Peloquin

Donald E. Peloquin, Mayor

JOURNAL OF PROCEEDING
OF THE
SPECIAL MEETING, AUGUST 16, 2011

CALL TO ORDER

The special meeting of the City Council of the City of Blue Island was called to order by Mayor Donald E. Peloquin at 6:00 p.m. on August 16, 2011.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call indicates the following:

Present: 10	Ald. Thompson, Natalino, Cheatle, Vieyra, Spizzirri, Patoska, Rita, Ruthenberg, Stone, Ostling, Janko, Johnson, Frausto, Vargas.
Absent: 4	Ald. Patoska, Rita, Johnson, Vargas.
Present Also:	Pam Frasor, City Clerk Terry Sullivan, City Attorney Carmine Bilotto, Treasurer

REPORT OF CITY OFFICIALS

Mayor

Mayor Peloquin for the record read the Public Notice that was published; Public Notice is herby given that the Mayor and City Council of the City of Blue Island, Cook County, Illinois will hold a special meeting on Tuesday, August 16, 2011, at 6:00 p.m. in the East Annex of the City of Blue Island, 2434 Vermont Street, Blue Island, Illinois. The purpose of the Special Meeting is to discuss and consider for passage: awarding a Bid for the Highland Avenue Elevated Tank Paining Project. The Agenda for the Special Meeting, which is as follows:

Call to Order, Pledge of Allegiance, Roll Call and then the Bid for the Highland Avenue Elevated Tank Painting Project and a motion to adopt and vote.

Mayor Peloquin clarified that this was published and was discussed at the last City Council Meeting, based on a time factor involved and the grants that we applied for with the federal we are trying to expedite this.

The Mayor would like noted that Alderman Patoska and Alderman Johnson joined the meeting and are in attendance.

Mayor Peloquin invited the City's Engineer, Mr. Tom Nagel to the podium to explain the process of the bid and where we're at with it.

Mr. Tom Nagel thanked the Mayor for the special meeting to listen to the recommendation and award the contract for the Highland Avenue Elevated Tank Painting Project and also the Ground Storage Reservoir on Highland Avenue.

The bids are as follows:

Era Valdivia	$1,023,251.00
Maxcor, Inc.	$1,199,850.00
Tecorp, Inc.	$1,411,000.00
Classic Protective Coatings	$1,815,500.00

Mr. Nagel stated the engineer's estimate for the project is $1,070,000.00. The low bid was approximately four (4%) percent under the engineer's estimate. The low bidder failed to advertise for Disadvantage Business Enterprise (DBE) subcontractors for the required 16 days. The contractor advertised for DBE subcontractors for 15 days. The City may reject the low bid for failing to advertise for DBE subcontractors for 16 days or the City may consider the advertisement error as a minor technicality and waive such technical errors for this project only. Therefore, if the City waives the above reference technical error we recommend the contract be awarded to Era Valdivia in the amount of One Million Twenty-three Thousand, Two Hundred Fifty-one Dollars ($1,023,251.00). It is important to note that Era Valdivia is a certified Minority Business Enterprise (MBE) and they are also using two sub-contractors that are Women Business Enterprise (WBE), so with this team the entire project would be completed with a MBE contractor and two MBE sub-contractors/suppliers.

The second low bidder, Maxcor, Inc., was approximately twelve (12%) percent over the engineer's estimate. Maxcor placed a condition on their bid that all the antennas must be removed prior to starting. We recommend their bid be disqualified because of the condition placed on the bid.

The third bidder, Tecorp, Inc. was approximately thirty-two (32%) percent over the engineer's estimate. It the City elects to disqualify the first and second bidder we then recommend all the bids be

disqualified and the project re-bid. By rebidding the project the City could be jeopardizing the low interest loan rate of 1.25% and the 25% forgivingness. The IEPA has informed us the interest rate could be going up after September 30, 2011. The project could not be re-advertised and awarded by September 30th due to the advertisement requirements mandated by the use of the loan funds.

We have discussed the advertisement error with the IEPA and they have informed us that if the City awards the project to the low bidder they would like legal opinions from their corporation council as to whether the low bid contract met the intent of the DBE requirements.

Mr. Nagel made his recommendation to award the contract to the lowest bidder Era Valdivia.

Mayor Peloquin stated on behalf of himself and his staff he is asking Council to award and make the motion to waive the 1 day considered minor violation, the 1-day not published (15-days instead of the 16-days) and to award the bid at the low bid of $1,023,251.00

Motion by Ald. Janko, second by Ald. Spizzirri to waive technical error and to award the bid to the lowest bidder, Era Valdivia.

On the Question: Ald. Janko asked how many tanks have they done and in what Municipalities and has the City checked with those Municipalities if the work they did was satisfactory.

Mr. Nagel stated they had worked with this company before on the Lansing's elevated tank and the Calumet City 4-million gallon reservoir. Before they give the bidding contracts out, there is a stipulation that they have to have done at least 5 similar size tanks in the past 5 years. It is in the Contractor's best interest to keep the Municipalities in the Southern Suburbs to be beholden to them to get more repeat work.

Ald. Janko asked about the one contractor in removing the antennas, how does leaving those antennas on there and the associated cabling affect the paint job on the tank.

Mr. Nagel stated that first they are going to ask the antenna companies if they can remove their antennas. We have a contract with 1 antenna company stating that they would pay for all extras associating for painting around them. The antenna companies do not want to be on the tanks when they are sand blasting them.

The low bid contractor has to work around them, that is what the contract calls for. The other antenna contract does not state that.

Ald. Natalino asked why did they miss by 1-day.

Mr. Nagel stated that they had called him when there was about 16 or 17 days left regarding the project and Mr. Nagel informed them they would not meet the DBE requirements and suggested they call the EPA and get their opinion on it. The women's name is Karen Fedder who is in charge of compliance at EPA with these issues. Mr. Nagel spoke with Karen regarding this issue and she said it was up to the City to decide if this was a major or minor variance and she also informed the contractor is up to the City.

Ald. Janko asked if the lowest bidder is also going to include the tenting of the tank so that the surrounding properties won't be affected when they sand blast it.

Mr. Nagel stated yes, they will have a full containment of the tank and would be raised when the wind speeds are 15 miles or less and during the days when the wind speeds are greater they will be working on the inside of the tank. There is also a temperature requirement on this that it has to be 40 degrees and rising so this project won't start until March 1st. The window in completing this is March 1st to May 31st.

Ald. Frausto asked how long does the painting last on the tanks.

Mr. Nagel stated it's about a 25-year system. The bond payment goes for about 20 years so when that expires it will have 5 more years of life to it. Mr. Nagel stated this was done because the stimulus was announced but the work had to get done no matter what.

Ald. Johnson asked if the 25-year guarantee is in writing.

Mr. Nagel stated no it is not. It is a performance base spec that when it is applied it will be inspected and there is a 1-year guarantee on the project. During the entire process, it will be inspected and reviewed.

Ald. Thompson asked who would be inspecting it.

Mr. Nagel stated there would be a team of inspectors on it; there is a company who specializes on elevated tank inspection call Dixon Engineering that is going to work as a sub-consultant to Robinson Engineering.

Ayes:	12	Ald. Thompson, Natalino, Cheatle, Vieyra, Spizzirri, Patoska, Ruthenberg, Stone, Ostling, Janko, Johnson, Frausto.
Nays:	0	
Abstain:	0	
Absent:	2	Ald. Rita, Vargas.

There being Twelve (12) Affirmative Votes, the Mayor declared the motion carried.

CITIZENS WISHING TO ADDRESS THE COUNCIL REGARDING THIS EVENING BUSINESS

No Citizens.

ADJOURNMENT

Motion by Ald. Spizzirri, second by Ald. Janko to adjourn the meeting.

Upon a vote, the Mayor declared the motion carried.

The next regular meeting of the City Council is scheduled for August 23, 2011 at 7:00 p.m.

Pam Frasor

Pam Frasor, City Clerk

APPROVED BY ME THIS
18th DAY OF AUGUST, 2011.

Donald E. Peloquin

Donald E. Peloquin, Mayor