

ORDINANCE NO. 617

AN ORDINANCE APPROVING AN AGREEMENT FOR PHOSPHOURUS REMOVAL
WITH ILLINOIS POWER COMPANY

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 17th
DAY OF July, 1995.

PRESENTED: July 17, 1995

PASSED: July 17, 1995

APPROVED: July 17, 1995

RECORDED: July 17, 1995

PUBLISHED: July 17, 1995

In Pamphlet Form

Voting "Aye" 5

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

X Juanita Daigley
City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: July 17, 1995.

ORDINANCE NO. 617

AN ORDINANCE APPROVING AN AGREEMENT FOR PHOSPHORUS REMOVAL
WITH ILLINOIS POWER COMPANY

WHEREAS, the Mayor and City Council find that it is in the best interests of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, to enter into an agreement with Illinois Power Company to amend a current agreement regarding phosphorus removal at the sewage treatment plant;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of LeRoy, in lawful meeting assembled, as follows:

Section 1. That the City Council hereby approves the agreement set forth in Exhibit "A," attached hereto and incorporated herein by reference.

Section 2. The Mayor and City Clerk are hereby directed and authorized to sign the original and as many copies as appropriate of that agreement as set forth in Exhibit "A" attached hereto, being certain to obtain one or more fully signed copies for the records of the City.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by Lois Parkin, seconded by Dawn Thompson, by roll call vote on the 17th day of July, 1995, as follows:

Aldermen elected 6 Aldermen present 5

VOTING AYE: David McClelland, Lois Parkin, Ronnie Litherland, Dawn Thompson
(full names) George Cook

VOTING NAY: None
(full names)

ABSENT, ABSTAIN, OTHER: Fred Dodson absent
(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 17th day
of July 17, 1995.

Juanita Dagley
Juanita Dagley, City Clerk of the City of
LeRoy, LeRoy, McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 17th day of
July, 1995.

Jerry C. Davis, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST: (SEAL)

Juanita Dagley
Juanita Dagley, City Clerk, City of LeRoy,
McLean County, Illinois

AMENDMENT NUMBER 1

MADE THIS _____ day of _____, 1995, to an Agreement by and between THE CITY OF LEROY, ILLINOIS, a municipal corporation ("the City"), and ILLINOIS POWER COMPANY, an Illinois corporation ("the Company"), dated August 7, 1978, and adopted by ordinance on August 7, 1978, ("the Agreement").

In consideration of the mutual promises provided for herein, the City and the Company do hereby amend the Agreement by deleting paragraph number 3 in its entirety, and replacing it with:

For and during the term of this Agreement, the Company further agrees to pay to the City the cost of chemicals used in such phosphorus removal equipment that are required to attain a .50 mg/l level of phosphorus in the final effluent. The cost of chemicals to the Company will be calculated based on the price of alum and the calculated number of pounds of alum fed to remove phosphorus to .50 mg/l in the final effluent. It has been determined that it takes 7.2 gallons of alum to remove 1 lb. of phosphorus. Therefore, the monthly cost of chemicals will be calculated as follows:

(Average Flow in MGD¹) (Ave Secondary Phos ppm² - .5 ppm) (8.34) = Average Daily lbs. Phos Removed.

(Average Daily lbs. Phos Removed) (Number of Days of Flow) = lbs. of Phos Removed.

(lbs. Phos Removed) (80.1 lb. Alum/lb. of Phos Removed³) (\$____/lb. of Alum⁴) = Amount Due.

Costs associated with the use of any chemicals in excess of that amount shall be the responsibility of the City. The City shall invoice the Company on a monthly basis for such calculated chemical costs, and the Company shall pay each such invoice within a reasonable time after receiving and approving the invoice. The City will provide the following information to the Company monthly so that the invoiced amount can be verified: 1) Monthly Operating Summaries from the Sewage Treatment Plant. 2) The most recent invoice for alum, if alum is being fed. This invoice shall show the date of delivery, price of alum/lb., delivered pounds and transportation charges.

The Company reserves the right to periodically obtain split samples from the Sewage Treatment Plant and have them analyzed at an independent laboratory to verify phosphorus results. Also, the City agrees to allow the Company to audit City records regarding chemical purchases and sewage treatment plant operations and testing procedures. All procedures for determining phosphorus values shall be EPA approved. The invoices shall be sent to Illinois Power Company, Real Estate F-14, 500 South 27th Street, Decatur, IL 62525.

¹ On days when there is flow

² On days when Secondary Phos is measured at least 1/week when there is flow.

³ Based on 13 month study conducted from November 1992 through November 1993 that indicated that it takes 7.2 gal alum/lb. of phosphorus removed and based on Alum weighing 11.13 lbs/gal.

⁴ Current price of Alum/Pound. This amount will change from time to time and should include transportation costs if Alum is being fed.

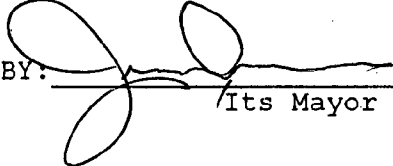
In the event the City chooses to remove Total Suspended Solids by means other than feeding alum (ie: utilizes existing sand filters, installs new sand filters, employs alternate or new technology for TSS removal or obtains a lagoon exemption which contains higher TSS values), the Company will only pay for the alum used to remove phosphorus. In the event the City feeds chemicals other than alum in order to remove phosphorus and aid in TSS removal, the cost to the Company will be based on the cost of alum as if it were being fed, the cost of which will have to be obtained from a chemical supplier from time to time. The Company will continue to pay for the polymers currently being fed to aid in phosphorus removal.

Anytime after December 31, 1996, by written notice, the City or the Company may request that alternative chemicals or technology be explored to remove phosphorus or that the amount of gallons of alum fed to remove 1 lb. of phosphorus be recalculated. The recalculated amount will take into account all data used during the 13-month study period and all data obtained from the end of the study period until the date of the recalculation. The same guidelines will be followed for selecting data for the recalculation that were followed during the 13-month study period. However, the amount will not be recalculated more than 1 time per year.

The rest and remainder of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the date first above written.

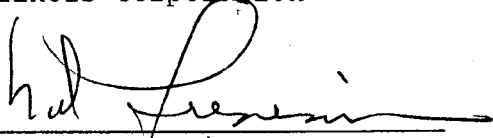
CITY OF LEROY, ILLINOIS
A Municipal Corporation

BY:  _____
Its Mayor

ATTEST:

City Clerk

ILLINOIS POWER COMPANY
An Illinois Corporation

BY:  _____
N. D. Lienemann
Leader-Real Estate

STATE OF ILLINOIS)
) SS.
COUNTY OF MCLEAN)

I, _____, a Notary Public in and for said County in the State aforesaid, do hereby certify that _____ and _____ personally known to me to be the same persons whose names are, respectively, as Mayor and City Clerk of the City of LeRoy, a municipal corporation of the State of Illinois, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they, being thereunto duly authorized, by the City Council of said City, signed, sealed and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this _____ day of _____, 1995.

My Commission Expires _____.

Notary Public

STATE OF ILLINOIS)
) SS.
COUNTY OF MACON)

I, G.A. Forrest a Notary Public in and for said County and State do hereby certify that N. D. Lienemann, personally known to me to be the Leader-Real Estate of said Illinois Power Company, an Illinois corporation, appeared before me this day in person and acknowledged that he, being thereunto duly authorized, signed, sealed and delivered said instrument as his free and voluntary act and as the free and voluntary act of said Company, for the uses and purposes herein set forth.

GIVEN under my hand and notarial seal this 9th day of June, 1995.

My Commission Expires 3-5-96.

G.A. Forrest
Notary Public

"OFFICIAL SEAL"
G.A. Forrest
Notary Public, State of Illinois
My Commission Expires 3/5/96

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

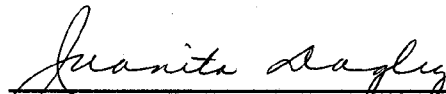
I further certify that on July 17, 1995, the corporate authorities of such municipality passed and approved Ordinance No. 617, entitled:

**AN ORDINANCE APPROVING AN AGREEMENT FOR PHOSPHORUS REMOVAL
WITH ILLINOIS POWER COMPANY,**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 617, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance No. 617 was posted at the municipal building, commencing on July 17, 1995, and continuing for at least ten days thereafter. Copies of such Ordinance No. 617 were were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 17th day of July, 1995.



Juanita Dagley, City Clerk of the City
of LeRoy, Illinois

STATE OF ILLINOIS)
) SS.
COUNTY OF MCLEAN)

I, Juanita Dagley, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean, County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE APPROVING AN AGREEMENT FOR PHOSPHOURUS REMOVAL WITH ILLINOIS POWER COMPANY.

Said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the ____ day of _____, 1995, and a faithful record of said Ordinance has been amde in the record books.

Dated this ____ day of _____, 1995.

Juanita Dagley, City Clerk of the City of
LeRoy, Illinois

(SEAL)