

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

INFRASTRUCTURE COMMITTEE

Thursday, May 4, 2017
7:00 P.M. – Committee Room A

AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Approval of Minutes
 - A. Infrastructure Committee of April 6, 2017
3. Public Participation / Presentations
4. Items for Consent
 - A. Ordinance No. 17-O-0013 – An Ordinance Amending the Code of Ordinances, Chapter 15 (Public Ways), Adding a New Article V., Section 15-60 – 15-65, Establishing Standards for the Siting of Small Cell Antenna/Tower in the Public Rights-of-Way
 - B. Ordinance No. 17-O-0014 – Authorizing the Disposal of Surplus Equipment, Stock Inventory, and/or Personal Property Owned By the City Of West Chicago
 - C. Ordinance No. 17-O-0015 – An Ordinance Amending Section 13.1 of Appendix G of the Code of Ordinance, Establishing a Public Works Permit Application Fee of \$500.00 for the Review of Permit Applications Associated with the Siting of Small Cell Antenna/Tower in the Public Rights-of-Way
 - D. Purchase of One 2017 Vermeer SC802 Trailer Tow Stump Cutter with 74 hp Deutz TD2.9L Tier 4 Turbocharged Diesel Engine from Vermeer-Illinois, Inc. of Aurora, Illinois
 - E. Resolution No. 17-R-0027 - Contract Award – Denler, Inc. for the 2017 Crack Sealing Program
 - F. Resolution No. 17-R-0028 - Contract Award – 2017 Grove Avenue Water Main Replacement Project
 - G. Resolution No. 17-R-0029 – Contract Award - 2017 Contractual Street Striping Program
 - H. Resolution No. 17-R-0030 - Contract Award – 2017 Willow Creek Subdivision Resurfacing Project
 - I. Resolution No. 17-R-0031 - Contract Award – 2017 Hillside Addition Subdivision Resurfacing Project
5. Items for Discussion
6. Unfinished Business
7. New Business
8. Reports from Staff
9. Adjournment

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Draft

MINUTES

INFRASTRUCTURE COMMITTEE

April 6, 2017 7:00 P.M.

1. **Call to Order, Roll Call, and Establishment of a Quorum.** Chairman Beifuss called the meeting to order at 7:00 P.M. Roll call found Aldermen James Beifuss, Sandra Dimas, George Garcia, and Alton Hallett present. Aldermen Noreen Ligino-Kubinski and John Smith were absent.

Staff present included Director of Public Works Robert Flatter and Executive Secretary Ashley Cunningham. Also in attendance was Kevin VanDeWoestyne of Thomas Engineering Group, Brent Lautenbach of CH2M HILL, Penny Bouchard of Baxter & Woodman, and West Chicago resident Carole Ferrill.

2. **Approval of Minutes**

A. **Infrastructure Committee Minutes of March 2, 2017.** Alderman Dimas suggested that the minutes be amended to include that Alderman Garcia was absent at the March 2, 2017, Infrastructure Committee Meeting. **Alderman Hallett made a motion, seconded by Alderman Dimas to approve the Meeting Minutes of March 2, 2017.**

Voting Yea: Aldermen Beifuss, Dimas, and Hallett. Voting Nay: 0.
Abstaining: Alderman Garcia.

3. **Public Participation / Presentations.**

A. Carole Ferrill expressed her concern with the conditions of Elm Road. She is a resident of Elm and distributed photographs she had taken of the large potholes and general disrepair of the street. It was her understanding that Elm Road was slated to be resurfaced between 2012 and 2017, so when she contacted Public Works to inquire about it being taken care of this year she was disappointed to learn that it would be put off for another year. She believes the street is in a hazardous condition and also gives a bad impression of West Chicago. Ms. Ferrill wanted to call the Committee's attention to Elm Road, and request that they reconsider resurfacing it this year if at all possible or at least next year. Mr. Flatter acknowledged that Elm Road is in a condition that needs to be resurfaced, and City staff has it on the schedule for 2018. Currently, there is approximately \$114,000.00 budgeted to grind and overlay Elm Road, but this does not include funding that would be necessary to add a cul-de-sac or hammerhead for a means to turn around large trucks at the end of the street. Adding something like this would increase the projected cost upwards of \$200,000.00. Mr. Flatter explained that residents of the 2017 resurfacing project locations have already been notified of the work anticipated, so Elm Road would not be able to be resurfaced this year with current funds budgeted. If directed by City

Council, City crews could do a one-inch asphalt overlay to get Elm Road through this year until it could be resurfaced in 2018. This would cost roughly \$6,000.00 in material alone and would then be ground off next year when the road would be resurfaced properly, which would add another \$2,000.00 to next year's costs. Alderman Beifuss inquired as to the lifespan of the road once it would be resurfaced, and Mr. Flatter indicated it is expected to last into the 15 year range. Alderman Hallett noted that sometimes weak spots may be found after the grinding has been done and wondered how that could affect the resurfacing project for Elm Road. Mr. Flatter explained that these spots are typically cut out a little deeper so patching can be done before the overlay, and cost estimates take into consideration the possible need for additional materials in instances such as these. Alderman Hallett also asked if there was a time frame in which Elm Road was anticipated to be resurfaced next year. Mr. Flatter indicated that asphalt plants do not open until the middle of May, and weather can be unpredictable, so he estimates it will likely not be until after June 2018. City staff are currently conducting surveys, taking pavement cores, and planning for next year's projects, and the hope is to have this project go out to bid in March of next year so contractors could be ready to begin work around July. Alderman Dimas noted that there were some significant potholes in the pictures provided by Ms. Ferrill and asked if City staff would at least patch them for this year. Mr. Flatter indicated this would certainly be done. Alderman Beifuss asked if shoulder work was anticipated for this project as well. Mr. Flatter indicated that there will likely be some aggregate shoulders added, and once this project is complete he anticipates that City staff may seek to amend City Code to restrict parking to only one side of the street to help control edge raveling of the asphalt. Ms. Ferrill also suggested adding weight limit signs to the street to help prevent heavy vehicles from parking there, which Mr. Flatter agreed was also an option.

B. Mr. Flatter explained that Baxter & Woodman was hired to evaluate the City's current Ordinance when it comes to local limits, which are the parameters of waste discharge from industrial users. Penny Bouchard is an Environmental Specialist with Baxter & Woodman, and she presented the Committee with a presentation on the West Chicago Local Limits Evaluation Report. The City of West Chicago is required to have an NPDES permit issued by the Illinois Environmental Protection Agency (IEPA) in order to operate its Wastewater Treatment Plant to be sure that that plant is not overloaded with pollutants and meets standards as required. In Illinois, USEPA Region 5 approves industrial waste pretreatment programs, and this report has been brought before the Committee to authorize staff to submit the Local Limits Evaluation Report to the IEPA and USEPA for review and approval. Ms. Bouchard expects the review to be straightforward and approved by these agencies. Pretreatment programs enforce Federal guidelines to regulate toxic pollutants for industries that discharge directly to waterways and those that go through wastewater treatment plants. In addition, there are local limits which are unique to individual locations throughout the country, or the standards that the wastewater plant has to meet based on the waterway and what would impact that plant. West Chicago's pretreatment program was first approved in 1985 and modified substantially in 1997 and 2000, which was the last year the City's local limits have been approved. These local limits help to make sure that industries do not dissolve the City's sanitary sewers, blow them up, cause dangerous fumes in the wastewater treatment plant, or disturb the balance of the treatment plant. Baxter & Woodman worked with the City's Wastewater Treatment Plant to obtain and test samples to compile their findings for the Local Limits Evaluation Report. As a result, one of the

additional tasks of this local limits project was to determine the maximum loading for the treatment plant based on the criteria it must meet for each of the pollutants and define that maximum loading for the industry. The goal is to use the sample data to adjust local limits as needed so that the numbers are good for the City, will not hurt the industry, and give the industry the most leeway possible without it causing an impact to the wastewater treatment plant or regulations that must be met. Alderman Garcia asked how an industry could be identified as the cause of a high level of pollutant. Ms. Bouchard explained that that is why the Federal Government has 57 categories of industries and 255 subcategories. Through years of data they were able to determine that certain pollutants are likely to come from particular industries. Then when the City conducts a survey of its industries and they indicate what they do, it becomes easier to zero in on what each industry is likely discharging to the treatment plant. Alderman Beifuss asked if any additional businesses were found that required a pretreatment permit. Ms. Bouchard explained that this would be determined during the next step which is to conduct an updated survey that is required by the NPDES permit and which Baxter & Woodman will be working together with the City's Wastewater Treatment Plant on. Alderman Beifuss inquired about how the additional regulation and costs of phosphorus, which has become more significant in recent years, have impacted the Local Limits Report. Ms. Bouchard explained that at this point the City does not have the legal ramifications to set the standard, and it will likely not be an issue for another 15 years or so. Mr. Flatter explained that the City of West Chicago is a member of the DuPage River Salt Creek Workgroup. By becoming a member of that group, when the City's NPDES permit was reissued in 2015, it essentially bought the City another 10 years before the phosphorus issue truly has to be addressed because the Workgroup is addressing it on a regional watershed basis. Alderman Beifuss asked if the City could adjust its local limits if needed so that the Wastewater Treatment Plant can meet its standards. Ms. Bouchard explained that a limit can be lowered to be more restrictive at any time to help the City meet water quality standards, but a limit cannot be raised without USEPA approval. These limits apply to any non-residential user. Ms. Bouchard explained that once the Local Limits Evaluation Report is submitted and approved, USEPA will send a formal letter to the City likely indicating that the limits are approvable, but they must go to public notice. Upon completion of this public notice process, they will tell the City to adopt the limits and ultimately update the permits to reflect these new limits.

4. Items for Consent. Alderman Dimas requested discussion on Consent Items B, D, and E. **Alderman Dimas made a motion, seconded by Alderman Garcia to approve:**

- A. Ordinance No. 17-O-0009 – Authorizing the Disposal of Surplus Equipment, Stock Inventory, and/or Personal Property Owned By the City Of West Chicago**
- C. Local Limits Evaluation Report**
- F. Unleaded and Diesel Fuel Delivery - Authorize Purchase from Buchanan Energy, LLC through the DuPage County Joint Purchasing Program**
- G. 2017 Asphalt Materials Procurement – DuPage County Joint Purchasing Program - Plote Construction, Inc.**
- H. Resolution No. 17-R-0018 - Contract Award - Rempe-Sharpe & Associates, Inc. for the Sanitary Lift Station #1 Replacement Project**

- I. **Resolution No. 17-R-0019 – Contract Award – Areatha Construction Company, Inc. for the 2017 Curb Rehabilitation Program**
- J. **Resolution No. 17-R-0020 - Acceptance of Public Improvements and Release of Development Security – Lakeshore Recycling Systems, Inc., 1655 Powis Road**

Voting Yea: Aldermen Beifuss, Dimas, Garcia, and Hallett. Voting Nay: 0.

5. **Items for Discussion.** Items for discussion include Consent Items 4.B., 4.D., and 4.E.

4.B. Resolution No. 17-R-0017 – Contract Amendment No. 1 – Emerald Tree Care, LLC, for Services Related to the Annual Emerald Ash Borer Insecticidal Treatment Program for Fiscal Year 2017. Mr. Flatter explained that 2017 is the final year of a multi-year contract with Emerald Tree Care to do soil and trunk injection insecticidal treatments on the City's Ash trees. On September 1, 2016, Mr. Wayne White of Emerald Tree Care provided the Infrastructure Committee with an update on the City's Emerald Ash Tree Insecticidal Treatment Program and indicated that only about 20% of the original treatment set of trees had been lost, while other municipalities were spending exorbitant amounts on the removal and replacement of their Ash trees. Mr. White also discussed a new trunk injection product called Boxer that only requires trees to be treated every two years, rather than the current treatment, Pointer, which must be administered every year. City staff requested pricing information for the new product, and Mr. White indicated that the product change would require a \$0.30 increase per inch diameter, increasing trunk injection costs to \$3.20 per inch diameter with no change in labor costs. Assuming City Council will approve a new contract for Fiscal Year 2018, conducting the soil treatment and Boxer trunk injections this year would increase Fiscal Year 2017 costs by \$5,157.45. However, by using the new Boxer treatment in 2017, no trunk injection product would be necessary in 2018, resulting in a cost savings of \$50,077.30. This would result in a \$44,894.10 total cost savings across two years by switching to Boxer in 2017. City staff is requesting the Committee to approve a contract amendment to use Boxer, increasing trunk injection costs to \$3.20 per inch diameter for 2017. The Committee expressed their support of this long-term cost-saving measure. Alderman Beifuss indicated that it is likely the Committee will support continuing the treatments beyond the current Contract time as well. He also inquired as to how many Ash trees are remaining on City properties and parkways. Mr. Flatter estimated roughly 1,400-1,500 trees are still being treated. Alderman Hallett asked if those remaining trees appear to be surviving given the current conditions and treatments. Mr. Flatter recalled that during the September meeting Mr. White indicated the success of the program was likely because the Emerald Ash Borers (EAB) had killed any of the trees they would normally eat as a food source, or because there are enough chemicals in the existing trees that survived that the City could probably stop the program altogether and there would be a pretty good success rate. However, City staff feels that after so much time and expense have been put into saving the Ash tree population that it would be advisable to continue the treatments to err on the side of caution. **Alderman Hallett made a motion, seconded by Alderman Dimas to approve.**

Voting Yea: Aldermen Beifuss, Dimas, Garcia, and Hallett. Voting Nay: 0.

4.D. After the Fact Approval of the City Administrator's Execution of a Seventeen Month Contract with Dynegy Energy Services, LLC for the Supply of Electricity Under the City's Electricity Aggregation Program. Mr. Flatter explained that City staff came to the Infrastructure Committee in February indicating that the current contract for the City's Electricity Aggregation Program would be expiring in May 2017. Then on February 6, 2017, City Council authorized the City Administrator to solicit bids and enter into the best term contract with the lowest cost supplier for the supply of electricity. The City worked with the Northern Illinois Municipal Electric Collaborative (NIMEC) to obtain bids from third party suppliers. Committee authorized the City Administrator to sign a contract knowing that once the bids were opened the City has 24 hours to sign said contract. It has now been brought back to the Committee to report the results of that contract and detail what was executed. Dynegy Energy Services, LLC won the bid, and on March 8, 2017, the City Administrator executed a 17-month contract (May 2017 through October 2018) with Dynegy for \$0.06711/kWh. The City solicited bids for one, two, and three year terms. Dynegy provided a price of \$0.06711/kWh for one year, as well as higher rates for 16 and 24 months. The City asked Dynegy if they would honor the 12 month price for 16 months, to which they declined, but indicated they would honor the 12 month price for 17 months; they want to get past the summer months. The price is going up compared to the current contract, but ComEd's prices are anticipated to go up as well. The benefit of a 17-month contract is that when the City needs to go back out to bid in October 2018, ComEd's prices will already be determined since they announce their prices in June. This will get the City out of a cycle of having to guess what ComEd's rates may be when compared to third party supplier bids. Mr. Flatter reiterated that the City Administrator has already executed the contract, but it was brought before the Committee for after the fact approval. Alderman Beifuss noted that it was good to discuss this item because notices for the program have been sent out and questions have come up from residents about the validity, pricing, and options, among others. He also reminded those present that it is an opt-out program, which participants can opt-out of at any time to find another supplier, but they cannot opt-in to a previous supplier within 30 days of opting-out from that same supplier. Mr. Flatter commented that a benefit of the program is that it saves residents from having to shop around themselves for a lower rate and it often still saves them money. Alderman Beifuss inquired about how many other municipalities participate in electricity aggregation programs. Mr. Flatter indicated that NIMEC represents about 38 municipalities associated with the aggregation program. Alderman Garcia asked if there was any indication how the program has been going so far since notices have been mailed out. Mr. Flatter explained that the Department has received about five phone calls looking to confirm the validity of the program, as well as an individual that indicated he was able to find a better rate on his own, to which Mr. Flatter reiterated that he could opt-out at any time. Alderman Beifuss commented, though, that residents have historically saved money with the program, and Mr. Flatter concurred. **Alderman Dimas made a motion, seconded by Alderman Garcia to approve.**

Voting Yea: Aldermen Beifuss, Dimas, Garcia, and Hallett. Voting Nay: 0.

4.E. After the Fact Approval of the City Administrator's Execution of a Three Year Contract with Dynegy Energy Services, LLC for the Supply of Electricity. Mr. Flatter explained that while the City was seeking bids for the Electricity Aggregation Program, staff also

went out to bid for the supply of electricity to be supplied to the City's Water Treatment Plant, all Well Stations, and all Sanitary Lift Stations. Dynegy Energy Services, LLC offered the best price for this supply of electricity as well. The City Administrator executed a three year contract with Dynegy at a rate of \$0.04834/kWh. Because usage at these locations is much more consistent and predictable than residential and small business usage in the Electricity Aggregation Program, they are able to offer a lower price per kilowatt hour. This is actually lower than the current contracted rate of \$0.05244/kWh as well. Mr. Flatter reiterated that the City Administrator has already executed the contract, but it was brought before the Committee for after the fact approval. He also noted a typo on the Agenda Item Summary under "Actions Proposed" which should read that a three year contract was executed, not a two year contract. **Alderman Dimas made a motion, seconded by Alderman Garcia to approve.**

Voting Yea: Aldermen Beifuss, Dimas, Garcia, and Hallett. Voting Nay: 0.

6. Unfinished Business. None.

7. New Business.

A. Mr. Flatter introduced Kevin VanDeWoestyne of Thomas Engineering to help answer questions about the City's Sidewalk Replacement Program, which Thomas Engineering is in the process of formulating. Mr. Flatter explained that \$75,000.00 is budgeted for this program annually to conduct sidewalk replacements that typically address trip hazards. Every four years the engineers survey every sidewalk and square in the City to address trip hazards which are then rated on a scale of one-to-four. Historically, the budget is divided equally amongst the seven wards to try to address as many level-four trip hazards as possible, and then level-three as budget permits. This year, there are two areas that City staff would like to focus a majority of the Sidewalk Replacement Program on. The first area is the sidewalk next to 461 Main Street that runs from Main to the church parking lot off of Chicago Street. The plan is to decrease the steep slope, add in some stairs, and install a proper handrail in this location. This project would cost roughly \$25,000.00. The second area is the section of sidewalk that runs from Main Street and leads down to the Metra Station. Photos were distributed to demonstrate the disrepair and trip hazards present at these two portions of sidewalk. It would be possible to do spot repairs on this section, but staff would prefer to replace it in its entirety. This project cost would be about \$9,000.00, and it would also help to bring that portion of sidewalk closer to ADA compliance. Staff believes these are high-volume priority locations in the City that need to be addressed, which is why it is being brought before the Committee for input. Alderman Dimas asked if the first portion of sidewalk has to be handicapped accessible because of the stairs intended to be installed there. Mr. Flatter explained that it does not need to be ADA accessible because the law requires there to be an ADA accessible route, another of which already exists. Mr. VanDeWoestyne added that normally these locations would be encompassed in a routine program with intermittent replacement, but in doing so a substantial amount of money from the program would be lost, so spreading the budget equally amongst the wards could not be done in this case. Alderman Beifuss asked if additional money could be put towards the Sidewalk Replacement Program once other major projects have gone to bid and the City found a cost savings that could be used towards the sidewalks instead. Mr. Flatter indicated this would be an

option. Alderman Garcia inquired what other critical projects are competing for these funds. Mr. Flatter explained that doing these two projects would use about half of the Program's funds, so half of the trip hazards that could have been addressed this year would not be addressed until next year. He also indicated that these locations could be addressed via their own separate project next year, but it is Mr. Flatter's professional opinion that this area is in such a high-traffic, frequently used location that it should be addressed immediately. The remaining funds from these two portions of sidewalk would then be used to address as many level-four trip hazards as possible throughout the seven wards. Alderman Beifuss indicated it is by consensus of the Committee to proceed with the focus of the Sidewalk Replacement Program on these two portions of sidewalk.

8. Reports from Staff. None.

9. Adjournment. At 8:24 P.M., Alderman Dimas made a motion to adjourn, seconded by Alderman Hallett. Motion was unanimously approved by voice vote.

Respectfully submitted,

Ashley Cunningham
Executive Secretary of Public Works

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Ordinance No. 17-O-0013 – An Ordinance Amending the Code of Ordinances, Chapter 15 (Public Ways), Adding a New Article V., Section 15-60 – 15-65, Establishing Standards for the Siting of Small Cell Antenna/Tower in the Public Rights-of-way.

AGENDA ITEM NUMBER: 4.A.**COMMITTEE AGENDA DATE:** May 4, 2017**COUNCIL AGENDA DATE:** May 15, 2017**STAFF REVIEW:** Robert E. Flatter, P.E., Director of Public Works**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael L. Guttman**SIGNATURE** _____**ITEM SUMMARY:**

The City uses the public right-of-way within its City limits to provide essential public services to its residents and businesses. The public right-of-way within the City is a limited public resource held by the City for the benefit of its citizens and the City has a custodial duty to ensure that the public right-of-way is used, repaired, and maintained in a manner that best serves the public interest.

Growing demand for personal wireless telecommunications services has resulted in increasing requests nationwide and locally from the wireless industry to place small cell facilities, distributed antenna systems, and other personal wireless telecommunication facilities on utility and street light poles and other structures in the public right-of-way. While State and federal law limit the authority of local governments to enact laws that unreasonably discriminate among providers of functionally equivalent services, prohibit, or have the effect of prohibiting the provision of telecommunications services by wireless service providers, the City is authorized, under existing State and federal law, to enact appropriate regulations and restrictions relative to small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations in the public right-of-way.

In anticipation of continued increased demand for placement of small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations within the public right-of-way, City staff finds that it is in the best interests of the public health, safety and general welfare of the City to adopt an Ordinance to establish generally applicable standards for construction, installation, use, maintenance and repair of such facilities, systems and installations within the public right-of-way in the City so as to, among other things: (i) prevent interference with the facilities and operations of the City's utilities and of other utilities lawfully located in public right-of-way or property, (ii) provide specific regulations and standards for the placement and siting of personal wireless telecommunication facilities within public right-of-way in the City, (iii) preserve the character of the neighborhoods in which facilities are installed, (iv) minimize any adverse visual impact of personal wireless telecommunication facilities and prevent visual blight in the neighborhoods in which facilities are installed, (v) facilitate the location of personal wireless telecommunication facilities in permitted locations within the public right-of-way in the City, and (vi) assure the continued safe use and enjoyment of private properties adjacent to personal wireless telecommunication facilities.

City staff recommends that City Council approve Ordinance No. 17-O-0013, an Ordinance amending the

CITY OF WEST CHICAGO

City of West Chicago Code of Ordinances, Chapter 15 (Public Ways), adding a New Article V., Section 15-60 – 15-65, establishing standards for the siting of small cell antenna/tower in the public rights-of-way.

ACTIONS PROPOSED:

Approve Ordinance No. 17-O-0013, an Ordinance amending the City of West Chicago Code of Ordinances, Chapter 15 (Public Ways), adding a New Article V. – Siting of Small Cell Antenna/Tower in the Public Rights-Of-Way, Section 15-60 – 15-65, establishing standards for the siting of small cell antenna/tower in the public rights-of-way.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 17-O-0013

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO – CHAPTER 15 (PUBLIC WAYS), ADDING A NEW ARTICLE V. – SITING OF SMALL CELL ANTENNA/TOWER IN THE PUBLIC RIGHTS-OF-WAY, SECTION 15-60 – 15-65, ESTABLISHING STANDARDS FOR THE SITING OF SMALL CELL ANTENNA/TOWER IN THE PUBLIC RIGHTS-OF-WAY

WHEREAS, the City of West Chicago (the “City”) is a home-rule municipality pursuant to Article VII, Section 6, of the Constitution of the State of Illinois, and as such is authorized to take all reasonable action pertaining to its affairs in accordance therewith; and

WHEREAS, the City is further authorized under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, and Illinois law to adopt ordinances pertaining to the public health, safety and welfare; and

WHEREAS, the City is further authorized to adopt the amendments contained herein pursuant to its authority to regulate the public right-of-way under section 11-80-1 *et seq.*, of the Illinois Municipal Code; and

WHEREAS, the City uses the public right-of-way within its City limits to provide essential public services to its residents and businesses. The public right-of-way within the City is a limited public resource held by the City for the benefit of its citizens and the City has a custodial duty to ensure that the public right-of-way is used, repaired, and maintained in a manner that best serves the public interest; and

WHEREAS, growing demand for personal wireless telecommunications services has resulted in increasing requests nationwide and locally from the wireless industry to place small cell facilities, distributed antenna systems, and other personal wireless telecommunication facilities on utility and street light poles and other structures in the public right-of-way. While State and federal law limit the authority of local governments to enact laws that unreasonably discriminate among

providers of functionally equivalent services, prohibit, or have the effect of prohibiting the provision of telecommunications services by wireless service providers, the City is authorized, under existing State and federal law, to enact appropriate regulations and restrictions relative to small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations in the public right-of-way; and

WHEREAS, in anticipation of continued increased demand for placement of small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations within the public right-of-way, the City Council finds that it is in the best interests of the public health, safety and general welfare of the City to adopt the Ordinance below in order to establish generally applicable standards for construction, installation, use, maintenance and repair of such facilities, systems and installations within the public right-of-way in the City so as to, among other things: (i) prevent interference with the facilities and operations of the City's utilities and of other utilities lawfully located in public right-of-way or property, (ii) provide specific regulations and standards for the placement and siting of personal wireless telecommunication facilities within public right-of-way in the City, (iii) preserve the character of the neighborhoods in which facilities are installed, (iv) minimize any adverse visual impact of personal wireless telecommunication facilities and prevent visual blight in the neighborhoods in which facilities are installed, (v) facilitate the location of personal wireless telecommunication facilities in permitted locations within the public right-of-way in the City, and (vi) assure the continued safe use and enjoyment of private properties adjacent to personal wireless telecommunication facilities.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, DuPage County, Illinois, as follows:

SECTION 1. Recitals. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. Adoption. Chapter 15 of the Code of Ordinances of the City of West Chicago shall be amended by the adoption of a new Article V. as stated herein, which will read as follows:

“ARTICLE V.
SITING OF SMALL ANTENNA/TOWER IN THE PUBLIC RIGHTS-OF-WAY

Sec. 15-60 Definitions.

For purposes of this Ordinance, the following terms will have the following meanings:

| | |
|----------------------------------|--|
| ALTERNATIVE ANTENNA STRUCTURE | An existing pole or other structure within the public right-of-way that can be used to support an antenna and is not a utility pole or a City-owned infrastructure. |
| ANTENNA | Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services. |
| APPLICANT | Any person or entity submitting an application to install personal wireless telecommunication facilities or structures to support the facilities within a public right-of-way. |
| CITY-OWNED INFRASTRUCTURE | Infrastructure in public right-of-way within the boundaries of the City, including, but not limited to, streetlights, traffic signals, towers, structures, or buildings owned, operated or maintained by the City. |
| DISTRIBUTED ANTENNA SYSTEM (DAS) | A type of personal wireless telecommunication facility consisting of a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. Generally serves multiple carriers. |
| LANDSCAPE SCREENING | The installation at grade of plantings, shrubbery, bushes or other foliage intended to screen the base of a personal wireless telecommunication facility from public view. |
| MONOPOLE | A structure composed of a single spire, pole or tower designed and constructed with antennas or related equipment and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure. |

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| OWNER | Any person or entity responsible for installing, maintaining, operating, replacing, or removing personal wireless telecommunication facilities or structures to support the facilities within a public right-of-way. |
| PERSONAL WIRELESS TELECOMMUNICATION ANTENNA | An antenna that is part of a personal wireless telecommunications facility. |
| PERSONAL WIRELESS TELECOMMUNICATION EQUIPMENT | Equipment, exclusive of an antenna, that is part of a personal wireless telecommunications facility. |
| PERSONAL WIRELESS TELECOMMUNICATIONS FACILITY | An antenna, equipment, and related improvements used, or designed to be used, to provide wireless transmission of voice, data video streams, images, or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service. |
| SMALL CELL FACILITIES | A Personal Wireless Telecommunications Facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area. Generally single-service provider installation. |
| TOWER | Any structure that is designed and constructed with antennas, including self-supporting lattice towers, guy towers, or monopole towers, and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure. Except as otherwise provided for by this Ordinance, the requirements for a tower and associated antenna facilities shall be those required in this Ordinance. |
| UTILITY POLE | An upright pole designed and used to support electric cables, telephone cables, telecommunication cables, cable service cables, which are used to provide lighting, traffic control, signage, or a similar function. |
| VARIANCE or VARIATION | A grant of relief by the City Administrator or his/her designee. |
| WI-FI ANTENNA | An antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices. |

Sec. 15-61 Standards and Regulations.

Personal wireless telecommunication facilities will be permitted to be placed in right-of- way within the jurisdiction of the City as attachments to existing utility poles, alternative antenna structures, or City-owned infrastructure subject to the following regulations:

Ordinance No. 17-O-0013

Page 4 of 10

- A. *Number Limitation and Co-Location.* The City Administrator or his/her designee may regulate the number of personal wireless telecommunications facilities allowed on each utility pole or unit of City-owned infrastructure. No more than one (1) personal wireless telecommunications facility will be permitted on City-owned infrastructure. No more than two (2) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structures of ninety (90) feet or less. No more than three (3) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structures in excess of ninety (90) feet and less than one-hundred and twenty (120) feet. This Ordinance does not preclude or prohibit co-location of personal wireless telecommunication facilities on towers or monopoles that meet the requirements as set forth elsewhere in this Article or as required by federal law.
- B. *Separation and Clearance Requirements.* Personal wireless telecommunication facilities may be attached to a utility pole, alternative antenna structure, monopole, or City-owned infrastructure only where such pole, structure or infrastructure is located no closer than a distance equal to one hundred (100) per cent of the height of such facility to any residential building and no closer than three hundred (300) feet from any other personal wireless telecommunication facility. A separation or lesser clearance may be allowed by the City Administrator or his/her designee as an administrative variance to this Ordinance when the Applicant establishes that the lesser separation or clearance is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed antenna or facility is the least intrusive means to do so within the right-of-way.
- C. *City-Owned Infrastructure.* Personal wireless telecommunication facilities can only be mounted to City-owned infrastructure including, but not limited to, streetlights, traffic signals, monopoles, towers or buildings, if authorized by a license or other agreement between the owner and the City.
- D. *New Towers.* No new monopole or other tower designed and constructed with personal wireless telecommunication facilities in excess of sixty (60) feet is permitted to be installed on right-of-way within the jurisdiction of the City unless the City Council finds, based on clear and convincing evidence provided by the applicant, that locating the personal wireless telecommunications facilities on the right-of-way is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed new monopole or other tower within the right-of-way is the least intrusive means to do so.
- E. *Attachment Limitations.* No personal wireless telecommunication antenna or facility within the right-of-way will be attached to a utility pole, alternative antenna structure, monopole, tower, or City-owned infrastructure unless all of the following conditions are satisfied:
1. *Surface Area of Antenna:* The personal wireless telecommunication antenna, including antenna panels, whip antennas or dish-shaped antennas, cannot have a surface area of more than seven (7) cubic feet in volume.
 2. *Size of Above-Ground Personal Wireless Telecommunication Facility:* The total combined volume of all above-ground equipment and appurtenances comprising a personal wireless telecommunication facility, exclusive of the antenna itself, cannot exceed thirty-two (32) cubic feet.

3. Personal Wireless Telecommunication Equipment: The owner of a personal wireless telecommunication facility shall locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade.
4. Personal Wireless Telecommunication Services Equipment Mounted at Grade: In the event that the owner of a personal wireless telecommunication facility proposes to install a facility where equipment or appurtenances are to be installed at grade, screening shall be installed to minimize the visibility of the facility on all sides, in accordance with Sec. 15-61(G) below. Personal wireless telecommunication facilities shall be installed at least ten (10) feet from City-owned utilities, twenty (20) feet from any driveway or driveway apron, and a minimum of eleven (11) feet from a roadway. The personal wireless telecommunication facility cannot obstruct the view of the motoring public and create an unsafe driving condition.
5. Height: The top of the highest point of the antenna cannot extend more than seven (7) feet above the highest point of the utility pole, alternative antenna support structure, monopole, tower or City-owned infrastructure. If necessary, the replacement or new utility pole, alternative support structure or City-owned infrastructure located within the public right-of-way may be no more than ten to seventy (10 – 70) feet higher than existing poles adjacent to the replacement or new pole or structure, or no more than ninety (90) feet in height overall, whichever is less.
6. Color: A personal wireless telecommunication facility, including all related equipment and appurtenances, shall be of a color approved by the City. Any wiring shall be covered with an appropriate cover.
7. Antenna Panel Covering: A personal wireless telecommunication antenna may include a radome, cap or other antenna panel covering or shield, to the extent such covering would not result in a larger or more noticeable facility and, if proposed, such covering shall be of a color that blends with the color of the pole, structure, monopole, tower or infrastructure on which it is mounted.
8. Wiring and Cabling: Wires and cables connecting the antenna to the remainder of the facility shall be installed in accordance with the electrical code currently in effect. No wiring and cabling serving the facility will be allowed to interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility. Personal wireless telecommunication facilities shall not be allowed to obtain electrical power from a source directly associated with or provided for a City-owned infrastructure.
9. Grounding: The personal wireless telecommunication facility shall be grounded in accordance with the requirements of the electrical code currently in effect in the City.
10. Guy Wires: No guy or other support wires shall be installed in connection with a new personal wireless telecommunication facility installation.
11. Structural Integrity: The personal wireless telecommunication facility, including the antenna, pole extension and all related equipment shall be designed to withstand a wind force and ice loads in accordance with applicable standards established in Chapter 25 of the National Electric Safety Code for utility poles, Rule 250-B and 250-C standards

governing wind, ice, and loading forces on utility poles, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA) for steel wireless support structures and the applicable industry standard for other existing structures. An extension to a City-owned infrastructure, utility pole, monopole, tower, or alternative antenna structure utilized for the purpose of connecting a personal wireless telecommunications antenna and its related personal wireless telecommunications equipment must be securely bound to the City-owned infrastructure, utility pole, monopole, tower, or alternative antenna structure in accordance with applicable engineering standards for the design and attachment of such extensions. For any facility attached to City-owned infrastructure or, in the discretion of the City, for a utility pole, monopole, tower, or alternative antenna structure, the owner of the facility shall provide the City with a structural evaluation of each specific location containing a recommendation that the proposed installation passes the standards described above. The evaluation shall be prepared by a professional structural engineer licensed in the State of Illinois.

- F. *Signage.* Other than signs required by federal law or regulations or identification and location markings, installation of signs on a personal wireless telecommunication facility is prohibited.
- G. *Screening.* If screening is required under Section (E)(4) above, it shall be natural landscaping material subject to the approval of the City and shall comply with all regulations of the City. Appropriate landscaping shall be located and maintained by the owner and shall provide the maximum achievable screening, as determined by the City, from view of adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than nine (9) feet in height. Landscape screening when permitted in the right-of-way shall be provided with a clearance of three (3) feet in all directions from the facility and a minimum of eight (8) feet from a roadway. The color of housing for ground-mounted equipment shall blend with the surroundings as approved by the City. For a covered structure, the maximum reasonably achievable screening shall be provided between such facility and the view from adjoining properties and public or private streets, as determined appropriate by the City. In lieu of the owner installing the screening, the City, at its sole discretion, may accept a fee from the owner of the facility for the acquisition, installation, or maintenance of landscaping material by the City.
- H. *Permission to Use Utility Pole or Alternative Antenna Structure.* The owner of a personal wireless telecommunication facility shall submit to the City written copies of the approval from the owner of a utility pole, monopole, tower, or an alternative antenna structure, to mount the personal wireless telecommunication facility on that specific pole, tower, or structure, prior to issuance of the City permit.
- I. *Licenses and Permits.* The owner of a personal wireless telecommunication facility shall verify to the City that it has received all concurrent licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of said facility have been obtained and will be maintained within the corporate limits of the City.
- J. *Abandonment and Removal.* Any personal wireless telecommunication facility located within the corporate limits of the City that is not operated for a continuous period of twelve (12) months, shall be considered abandoned and the owner of the facility shall remove same within ninety (90) days of receipt of written notice from the City notifying the owner of such abandonment. Such notice

shall be sent by certified or registered mail, return-receipt-requested, by the City to such owner at the last known address of such owner. In the case of personal wireless telecommunication facilities attached to City owned infrastructure, if such facility is not removed within ninety (90) days of such notice, the City may remove or cause the removal of such facility through the terms of the applicable license agreement or through whatever actions are provided by law for removal and cost recovery.

Sec. 15-62 Permits and Application Fees and Procedures.

Permits for placement of personal wireless telecommunication facilities in right-of-way within the City are required. Except as otherwise provided for by in this Ordinance, the procedures for, the application for, approval of, and revocation of such a permit shall be in compliance with City permit application requirements in Article III of this Chapter. Any applications shall demonstrate compliance with the requirements of this Chapter. Unless otherwise provided by franchise, license, or similar agreement, or federal, State or local law, all applications for permits pursuant to this section shall be accompanied by fee as prescribed in Appendix G. The application fee will reimburse the City for regulatory and administrative costs with respect to the work being performed.

Sec. 15-63 Variance.

a) Request for Variance. An applicant or owner requesting a variance from one or more of the provisions of this Article must do so in writing to the City Administrator as part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

b) Authority to Grant Variances. The City Administrator shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

c) Conditions for Granting of Variance. The City Administrator may authorize a variance only if the applicant or owner requesting the variance has demonstrated that:

- a. One or more conditions not under the control of the applicant or owner (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- b. All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

d) Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the City Administrator may require the applicant or owner requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carries out the purposes of this Article.

e) Right to Appeal. Any applicant or owner aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the City Administrator under the provisions of this Article shall have the right to appeal to the City Council, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the City Clerk within 30 days after

the date of such order, requirement, decision or determination. The City Council shall commence its consideration of the appeal at the City Council's next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal. The City Council shall timely decide the appeal.

Sec. 15-64 Conflict of Laws.

Where the conditions imposed by any provisions of this Chapter regarding the siting and installation of personal wireless telecommunication facilities are more restrictive than comparable conditions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

Sec. 15-65 Enforcement.

If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable."

SECTION 3: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval, and publication in pamphlet form as provided by law.

SECTION 5. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

PASSED this 15th day of May 2017.

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|-----------------------------|-------|--------------------------|-------|
| Alderman J. Beifuss | _____ | Alderman L. Chassee | _____ |
| Alderman J. Sheahan | _____ | Alderman H. Brown | _____ |
| Alderman A. Hallett | _____ | Alderman M. Ferguson | _____ |
| Alderman M. Ferguson | _____ | Alderman S. Dimas | _____ |
| Alderman K. Meissner | _____ | Alderman J.C. Smith, Jr. | _____ |
| Alderman R. Stout | _____ | Alderman G. Garcia | _____ |
| Alderman N. Ligino-Kubinski | _____ | Alderman B. Gagliardi | _____ |

APPROVED as to form: _____
City Attorney

APPROVED this 15th day of May 2017.

Mayor Ruben Pineda

ATTEST:

City Clerk, Nancy M. Smith

PUBLISHED: _____

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Ordinance No. 17-O-0014 – Authorizing the Disposal of Surplus Equipment, Stock Inventory, and/or Personal Property Owned By the City Of West Chicago

AGENDA ITEM NUMBER:4.B.**COMMITTEE AGENDA DATE:** May 4, 2017**COUNCIL AGENDA DATE:** May 15, 2017**STAFF REVIEW:** Robert E. Flatter, P.E., Public Works Director**SIGNATURE****APPROVED BY CITY ADMINISTRATOR:** Michael L. Guttman**SIGNATURE****ITEM SUMMARY:**

City staff has identified surplus equipment, stock inventory, and/or personal property that has no useful life and is no longer useful to the City, has little or no salvage value, and should be properly disposed of (please refer to Ordinance No. 17-O-0014 and Attachment A for additional information).

Therefore, staff is requesting that these items be declared surplus so that they may be traded in, disposed of through auction, disposed of through the City's contractual waste hauler, recycled, or sold to a local scrap dealer for scrap value; in a manner deemed appropriate by the City Administrator, with or without consideration.

ACTIONS PROPOSED:

Adopt Ordinance No. 17-O-0014 for the disposal or sale of surplus equipment, stock inventory, and/or personal property owned by the City of West Chicago.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 17-O-0014

WHEREAS, in the opinion of the corporate authorities of the City of West Chicago, it is no longer necessary or useful to or for the best interests of the City of West Chicago, to retain ownership of the surplus equipment, stock inventory, and/or personal property hereinafter described; and,

WHEREAS, it has been determined by the City Council of the City of West Chicago to properly dispose of said surplus equipment, stock inventory, and/or personal property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Illinois, in regular session assembled as follows:

SECTION 1. Pursuant to 65 ILCS 5/11-76-4, the City Council of the City of West Chicago finds that the surplus equipment, stock inventory, and/or personal property listed on Attachment A are no longer necessary or useful to the City of West Chicago and the best interests of the City of West Chicago will be served by their disposal.

SECTION 2. Pursuant to said Statute, the City Administrator is hereby authorized and directed to dispose of the aforementioned surplus equipment, stock inventory, and/or personal property in any manner deemed appropriate, with or without consideration.

SECTION 3. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED this 15th day of May 2017.

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|-----------------------------|-------|--------------------------|-------|
| Alderman J. Beifuss | _____ | Alderman L. Chassee | _____ |
| Alderman J. Sheahan | _____ | Alderman H. Brown | _____ |
| Alderman A. Hallett | _____ | Alderman M. Ferguson | _____ |
| Alderman M. Ferguson | _____ | Alderman S. Dimas | _____ |
| Alderman K. Meissner | _____ | Alderman J.C. Smith, Jr. | _____ |
| Alderman R. Stout | _____ | Alderman G. Garcia | _____ |
| Alderman N. Ligino-Kubinski | _____ | Alderman B. Gagliardi | _____ |

APPROVED as to form: _____
City Attorney

APPROVED this 15th day of May 2017.

Mayor Ruben Pineda

ATTEST:

City Clerk, Nancy M. Smith

PUBLISHED: _____

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Ordinance No. 17-O-0015 – An Ordinance amending Section 13.1 of Appendix G of the Code of Ordinance, establishing a Public Works Permit Application Fee of \$500.00 for the review of permit applications associated with the siting of small cell antenna/tower in the public rights-of-way.

AGENDA ITEM NUMBER: 4.C.**COMMITTEE AGENDA DATE:** May 4, 2017**COUNCIL AGENDA DATE:** May 15, 2017**STAFF REVIEW:** Robert E. Flatter, P.E., Director of Public Works**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael L. Guttman**SIGNATURE** _____**ITEM SUMMARY:**

City staff recommends that City Council approve Ordinance No. 17-O-0015, an Ordinance amending Section 13.1 of Appendix G of the City of West Chicago Code of Ordinance, establishing a Public Works Permit Application Fee of \$500.00 for the review of permit applications associated with the siting of small cell antenna/tower in the public rights-of-way.

ACTIONS PROPOSED:

Approve Ordinance No. 17-O-0015, an Ordinance amending Section 13.1 of Appendix G of the City of West Chicago Code of Ordinance, establishing a Public Works Permit Application Fee of \$500.00 for the review of permit applications associated with the siting of small cell antenna/tower in the public rights-of-way.

COMMITTEE RECOMMENDATION: