



Agenda
Village of Glen Ellyn
Regular Meeting
Monday, April 27, 2020
7:00 PM

Glen Ellyn Civic Center, Galligan Board Room
Streaming on www.glenellyn.org

Village Board Meeting Procedures Statement

On March 16, 2020, Governor Pritzker issued Executive Order. No. 5 in response to COVID-19, which temporary suspended certain requirements of the Open Meetings Act ILCS 120 allowing Village Board members to participate electronically in Village Board meetings.

The Public is welcome to observe and participate in all meetings of the Village Board. Meetings are streamed at www.glenellyn.org and also televised on WideOpenWest Channel 6, AT&T Channel 99 and Comcast Cable Services Channel 10. Please complete the public comment form, which can be found at www.glenellyn.org/publiccomment. All public comments submitted to the Village Clerk prior to the Audience Participation portion of the agenda will be read into the official record, and any comments received during the meeting will be read into the record during the appropriate portion of the agenda.

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Village Recognition: (Village Clerk)

1. The Village would like to recognize Village Links Golf Course Superintendent Chris Pekarek, who is retiring after an incredible 51 years of service to the Village Links.
2. The Village Clerk will read a proclamation in recognition of Arbor Day 2020.

E. Audience Participation

1. Open:

On March 16, 2020, Governor Pritzker issued Executive Order. No. 5 in response to COVID-19, which temporary suspended certain requirements of the Open Meetings Act ILCS 120.

All public comment submitted prior to the Audience Participation portion of the agenda will be read into the official record and any comments received during the meeting will be read into the appropriate portion of the agenda. Please complete the public comment form, which can be found at www.glenellyn.org/publiccomment. All public comments will be received and read by the Village Clerk. These temporary meeting procedures will be eliminated once the emergency declaration is lifted.

F. Consent Agenda - The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

Motion to approve the following items including Payroll and Vouchers totaling \$1,208,725.84. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's purchasing policy (Trustee Pryde):

1. Total Expenditures (Payroll and Vouchers) - \$1,208,725.84
2. March 23, 2020 Regular Village Board Meeting Minutes
3. Designate Trustee Christiansen as Village President Pro-Tem for the four month period from May through August 2020.
4. Approve the Recommendation of Village President McGinley that the Following Appointments and Reappointments be made for Various Boards and Commissions:

Board of Fire and Police Commissioners: Brendan Sheehy for a term ending May 31, 2023.

Building Board of Appeals: Thomas Bredfeldt, Chair, for a term ending May 31, 2021; James McGinley for a term ending May 31, 2023; Amy Peterselli for a term ending May 31, 2023.

Capital Improvements Commission: Steve Szymanski, Chair, for a term ending May 31, 2021; Arthur Foerster for a term ending May 31, 2023; Adam Biggman for a term ending May 31, 2023

Environmental Commission: David Meehan for a term ending May 31, 2022; Jennifer Umlauf for a term ending May 31, 2023; Jeff Abeln for a term ending May 31, 2023

Finance Commission: Matthew Halkyard, Chair, for a term ending May 31, 2021; Christopher Oaks for a term ending May 31, 2023; Lisa Cleaver for a term ending May 31, 2023; Jose DeLeon for a term ending May 31, 2023; Scott Greeno for a term ending May 31, 2023; Jeremy Van Ek for a term ending May 31, 2023

Historic Preservation Commission: Tim Loftus, Chair, for a term ending May 31, 2021; Nathan Darga for a term ending May 31, 2023; Kimberley Veum-Welsh for a term ending May 31, 2023; Phil Hartweg for a term ending May 31, 2023; Lisa Sallwasser for a term ending May 31, 2023

Plan Commission: Mary Loch, Chair, for a term ending May 31, 2021; Mohammad Saeed for a term ending May 31, 2023; Angela Fanella for a term ending May 31, 2023; Lloyd Berry for a term ending May 31, 2023; Laura Bromann Brown for a term ending May 31, 2023

Recreation Commission: Tim O'Shea, Chair, for a term ending May 31, 2021; Glen Graham for a term ending May 31, 2023

Zoning Board of Appeals: Gregory Constantino, Chair, for a term ending May 31, 2021

5. Resolution No. 20-08, A Resolution to Extend the Authority Granted to the Village President under Ordinance No. 6773 (Village Attorney Mathews)
6. Resolution No. 20-09, A Resolution Initiating the Submission of a Public Referenda Question: **Whether the Village of Glen Ellyn shall permit the Sale of Recreational Cannabis within Village Limits** (Village Manager Franz)
7. Motion to Authorize the Village Manager to Execute a Contract with AC Concrete Construction of Carpentersville, Illinois in the Amount of \$402,800 for the 2020 Sidewalk and Concrete Street Repair Program to be Expensed to the Capital Projects Fund and Water and Sanitary Sewer Fund (Professional Engineer Daubert)

G. Small Cell Requirements (Presented by Village Attorney Mathews) (Trustee Enright)

1. Ordinance No. 6779-VC, An Ordinance to Amend the Glen Ellyn Municipal Code, to Replace Title 8, Chapter 6- Construction of Utility Facilities in Rights-of-Way, by Amending and Adding Certain Provisions to Chapter 6

H. Civic Center Parking Garage (Presented by Assistant Village Manager Holmer) (Discussion Only)

1. Assistant Village Manager Holmer will facilitate a discussion regarding the progress of the Civic Center Parking Garage Project with respect to current events.

I. Reminders

1. A Village Board Meeting is scheduled for Monday, May 11, 2020 at 7:00 PM in the Galligan Board Room of the Glen Ellyn Civic Center.
2. A Village Board Workshop is scheduled for Monday, May 18, 2020 at 7:00 PM in Galligan Board Room of the Glen Ellyn Civic Center.

J. Other Business

K. Adjournment



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/27/20 07:00 PM
Department: Glen Ellyn Village Board
Department Head: Lindsey Kaminsky
Category: Proclamation
Prepared By: Lindsey Kaminsky

SCHEDULED

AGENDA ITEM (ID # 4450)

DOC ID: 4450

**The Village Clerk will read a proclamation in recognition of Arbor
Day 2020.**

ATTACHMENTS:

- Arbor Day 2020 (PDF)



Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and this holiday, called Arbor Day, is now observed throughout the United States and the world; and

WHEREAS, the Village of Glen Ellyn has been recognized as a Tree City USA for more than 30 consecutive years and desires to continue its tree planting traditions; and

WHEREAS, it is generally recognized that the abundance of trees within Glen Ellyn contributes greatly to the visual beauty of our Village.

NOW, THEREFORE, I, DIANE MCGINLEY, President of the Village of Glen Ellyn, Illinois, do hereby proclaim Friday, April 24, 2020, as Arbor Day in the Village of Glen Ellyn and urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

VILLAGE PRESIDENT
ATTEST:

VILLAGE CLERK

DATE



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/27/20 07:00 PM
Department: Finance
Department Head: Christina Coyle
Category: Vouchers
Prepared By: Lori Thomas

SCHEDULED

AGENDA ITEM (ID # 4448)

DOC ID: 4448

Total Expenditures (Payroll and Vouchers) - \$1,208,725.84

Please see the attached report.

ATTACHMENTS:

- Vouchers 2020-04-27 (PDF)

Approval of Vouchers
For the Village Board Meeting on April 27, 2020

EXPENDITURES:

Accounts Payable Warrant 0420-2	4/9/2020	\$261,133.27
Accounts Payable Warrant 0420-3	4/17/2020	\$420,895.49
Sub-Total		\$682,028.76

Warrant Total **\$682,028.76**

PAYROLL EXPENDITURES**April 10, 2020**

Net Employee Payroll Checks **\$324,323.73**

Employee & Employer Payroll Deductions:

Employee Deductions*	\$151,465.26
IMRF - Employer contribution	\$25,230.13
Social Security/Medicare Tax Withheld - Employer portion	\$25,677.96

Total Payroll **\$526,697.08** **\$526,697.08**

GRAND TOTAL **\$1,208,725.84**

* Employee deductions include contributions for pensions, health insurance, union dues and other employee directed deductions such as tax withholdings, 457 & 125 plan contributions and supplemental life insurance.

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
2 3M COMPANY											
105928		03/06/2020		0420-3	239774	1,746.03	1,746.03	04/13/2020	INV	PD	REFLECTIVE SHEETING
INVOICE:9406951102 CHECKDATE:04/17/2020											
52 SOUTH WEST INDUSTRIES INC											
105931		04/01/2020		0420-3	239778	204.97	204.97	04/13/2020	INV	PD	MONTHLY MAINT - APRIL 2020
INVOICE:26087-Z1T2 CHECKDATE:04/17/2020											
137 CDW GOVERNMENT, INC.											
105939		03/30/2020		0420-3	239783	3,450.00	3,450.00	04/13/2020	INV	PD	MICROSOFT SERVER LICENSE
INVOICE:XKM1636 CHECKDATE:04/17/2020											
151 CHICAGO TRIBUNE											
105936		03/24/2020		0420-3	239784	338.00	338.00	04/13/2020	INV	PD	PRINT/DGT SUBSCRIPT THRU 4/22/
INVOICE:105936 CHECKDATE:04/17/2020											
175 COMMONWEALTH EDISON COMPANY											
106005		04/08/2020		0420-3	239789	26.20	26.20	04/13/2020	INV	PD	0020022084 4/20 COM ED
INVOICE:04-08-20 2084 CHECKDATE:04/17/2020											
105879		03/10/2020		0420-2	239733	171.52	171.52	04/07/2020	INV	PD	7584020116 3/20 COM ED
INVOICE:3-10-20 0116 CHECKDATE:04/09/2020											
105876		03/10/2020		0420-2	239733	97.68	97.68	04/07/2020	INV	PD	2493106006 3/20 COM ED
INVOICE:3-10-20 6006 CHECKDATE:04/09/2020											
105885		03/11/2020		0420-2	239733	1,446.78	1,446.78	04/07/2020	INV	PD	5373072000 3/20 COM ED
INVOICE:3-11-20 2000 CHECKDATE:04/09/2020											
105884		03/11/2020		0420-2	239733	821.76	821.76	04/07/2020	INV	PD	3965055040 3/20 COM ED
INVOICE:3-11-20 5040 CHECKDATE:04/09/2020											
105881		03/11/2020		0420-2	239733	67.26	67.26	04/07/2020	INV	PD	4338096178 3/20 COM ED
INVOICE:3-11-20 6178 CHECKDATE:04/09/2020											
105880		03/12/2020		0420-2	239733	1,041.96	1,041.96	04/07/2020	INV	PD	0018071031 3/20 COM ED
INVOICE:3-12-20 1031 CHECKDATE:04/09/2020											
105877		03/12/2020		0420-2	239733	112.17	112.17	04/07/2020	INV	PD	4593032014 3/20 COM ED
INVOICE:3-12-20 2014 CHECKDATE:04/09/2020											
105883		03/12/2020		0420-2	239733	109.14	109.14	04/07/2020	INV	PD	2215042016 3/20 COM ED
INVOICE:3-12-20 2016 CHECKDATE:04/09/2020											
105878		03/12/2020		0420-2	239733	106.44	106.44	04/07/2020	INV	PD	5897103011 3/20 COM ED
INVOICE:3-12-20 3011 CHECKDATE:04/09/2020											
105875		03/12/2020		0420-2	239733	118.99	118.99	04/07/2020	INV	PD	0213156104 3/20 COM ED
INVOICE:3-12-20 6104 CHECKDATE:04/09/2020											
105882		03/12/2020		0420-2	239733	56.00	56.00	04/07/2020	INV	PD	1773149091 3/12/ COM ED
INVOICE:3-12-20 9091 CHECKDATE:04/09/2020											
105838		03/16/2020		0420-2	239732	4,252.20	4,252.20	04/07/2020	INV	PD	2943055045 3/20 COM ED
INVOICE:3-16-20 5045 CHECKDATE:04/09/2020											
105839		03/17/2020		0420-2	239732	59.56	59.56	04/07/2020	INV	PD	0175026025 03/20 COM ED
INVOICE:3-16-20 6025 CHECKDATE:04/09/2020											
106006		04/08/2020		0420-3	239789	28.30	28.30	04/13/2020	INV	PD	2217156139 4/20 COM ED
INVOICE:4-08-20 6139 CHECKDATE:04/17/2020											



VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
204 DAILY HERALD						8,515.96					
105890 INVOICE:45049		03/14/2020		0420-3	239793	112.70	112.70	04/07/2020	INV	PD	PUBLIC HEARING NOTICES
236 DREISILKER ELECTRIC MOTORS, INC.											
105891 INVOICE:1147901		02/28/2020		0420-2	239739	144.35	144.35	04/07/2020	INV	PD	MOTOR
243 DUMEG											
105893 INVOICE:3-9-20		03/09/2020		0420-2	239740	20,800.00	20,800.00	04/07/2020	INV	PD	FY21 FAIR SHARE CONTRIBUTIONS
310 FLAGS USA INC.											
105947 INVOICE:77756		03/23/2020		0420-3	239797	665.00	665.00	04/13/2020	INV	PD	(35) US FLAGS CBD
370 GRAYBAR ELECTRIC COMPANY INC											
105954 INVOICE:9315148374		03/19/2020		0420-3	239803	968.75	968.75	04/13/2020	INV	PD	DVP REPLACEMENT SUPPLIES
105952 INVOICE:9315159092		03/19/2020		0420-3	239803	115.80	115.80	04/13/2020	INV	PD	ELECTRICAL SUPPLIES
105975 INVOICE:9473034685		03/12/2020		0420-3	239803	32.46	32.46	04/13/2020	INV	PD	SPRAY BOTTLES
546 LEN'S ACE HARDWARE, INC.						1,117.01					
105899 INVOICE:94346		03/03/2020		0420-2	239750	17.08	17.08	03/26/2020	INV	PD	HARDWARE SUPPLIES
105960 INVOICE:94580		03/18/2020		0420-3	239808	17.98	17.98	04/13/2020	INV	PD	BARRICADE TAPE
105963 INVOICE:94588		03/18/2020		0420-3	239808	4.40	4.40	04/13/2020	INV	PD	BOLTS/NUTS
105962 INVOICE:94649		03/24/2020		0420-3	239808	2.04	2.04	04/13/2020	INV	PD	BOLT/NUTS
105959 INVOICE:94680		03/27/2020		0420-3	239808	35.96	35.96	04/13/2020	INV	PD	FLOORING KNIVES
105964 INVOICE:94683		03/27/2020		0420-3	239808	.84	.84	04/13/2020	INV	PD	BOLTS/NUTS
105961 INVOICE:94703		03/30/2020		0420-3	239808	12.58	12.58	04/13/2020	INV	PD	TUBE SAND
105967 INVOICE:94749		04/05/2020		0420-3	239808	7.99	7.99	04/13/2020	INV	PD	BATTERY
595 MENARDS, INC.						98.87					
105900		03/06/2020		0420-2	239751	5.97	5.97	03/26/2020	INV	PD	BLADE HEAD

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
INVOICE:38377			CHECKDATE:04/09/2020									
105969		03/19/2020		0420-3	239810	31.54	31.54	04/13/2020	INV	PD		HARDWARE SUPPLIES
INVOICE:39353			CHECKDATE:04/17/2020									
596 METRO PARAMEDIC SERVICES, INC.						37.51						
105901		03/20/2020		0420-2	239752	33,641.92	33,641.92	03/26/2020	INV	PD		APRIL SERVICE FEE
INVOICE:020-01402			CHECKDATE:04/09/2020									
612 KONICA MINOLTA BUSINESS SOLUTIONS INC												
105850		04/02/2020		0420-2	239748	203.00	203.00	04/07/2020	INV	PD		25536826 LIBRARY COPIER
INVOICE:67490051			CHECKDATE:04/09/2020									
105851		03/14/2020		0420-2	239747	230.00	230.00	04/07/2020	INV	PD		61936394 ANNUAL CONTRACT PD CO
INVOICE:9006598117			CHECKDATE:04/09/2020									
105897		03/24/2020		0420-2	239747	410.58	410.58	03/24/2020	INV	PD		61267143 CC ADMIN COPIER 2/25/
INVOICE:9006627807			CHECKDATE:04/09/2020			843.58						
635 NATIONAL ELEVATOR INSPECTION SVCS INC												
105904		03/09/2020		0420-3	239811	65.00	65.00	03/26/2020	INV	PD		ELEVATOR INSPECTION
INVOICE:382145			CHECKDATE:04/17/2020									
105905		03/10/2020		0420-3	239811	65.00	65.00	03/26/2020	INV	PD		ELEVATOR INSPECTION
INVOICE:382172			CHECKDATE:04/17/2020									
105906		03/12/2020		0420-3	239811	405.00	405.00	03/26/2020	INV	PD		ELEVATOR INSPECTIONS
INVOICE:382464			CHECKDATE:04/17/2020									
105974		03/23/2020		0420-3	239811	143.00	143.00	04/13/2020	INV	PD		ELEVATOR INSPECTION
INVOICE:383669			CHECKDATE:04/17/2020									
105973		03/24/2020		0420-3	239811	71.50	71.50	04/13/2020	INV	PD		ELEVATOR INSPECTIONS
INVOICE:383815			CHECKDATE:04/17/2020									
105972		03/25/2020		0420-3	239811	286.00	286.00	04/13/2020	INV	PD		ELEVATOR INSPECTION
INVOICE:383994			CHECKDATE:04/17/2020			1,035.50						
644 NETTOYER, INC.												
105898		03/26/2020		0420-3	239809	400.00	400.00	03/26/2020	INV	PD		INTERIOR CLEANING (5) VEHICLES
INVOICE:105898			CHECKDATE:04/17/2020									
651 NORTHERN ILLINOIS GAS COMPANY												
105852		03/11/2020		0420-2	239754	2,332.42	2,332.42	04/07/2020	INV	PD		01-66-52-10009 3/20 NICOR
INVOICE:03-11-20 0166			CHECKDATE:04/09/2020									
105854		03/11/2020		0420-2	239754	718.68	718.68	04/07/2020	INV	PD		24-99-00-10001 3/20 NICOR
INVOICE:3-11-20 2499			CHECKDATE:04/09/2020									
105853		03/11/2020		0420-2	239754	52.87	52.87	04/07/2020	INV	PD		87-88-52-10002 3/20 NICOR
INVOICE:3-11-20 8788			CHECKDATE:04/09/2020			3,103.97						
654 NORTHEAST MULTI-REG. TRAINING												
105971		03/16/2020		0420-3	239813	400.00	400.00	04/13/2020	INV	PD		TRAINING CLASS P.D.
INVOICE:271575			CHECKDATE:04/17/2020									



VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
700 THE PITNEY BOWES BANK INC											
105908		03/09/2020		0420-2	239756	449.55	449.55	03/26/2020	INV	PD	12603687 LEASING CHARGES P.D.
INVOICE:3103803651 CHECKDATE:04/09/2020											
738 RAY O'HERRON CO. INC.											
105985		03/25/2020		0420-3	239814	170.00	170.00	04/13/2020	INV	PD	UNIFORMS
INVOICE:2018467-IN CHECKDATE:04/17/2020											
105986		03/25/2020		0420-3	239814	170.00	170.00	04/13/2020	INV	PD	UNIFORMS
INVOICE:2018468-IN CHECKDATE:04/17/2020											
105982		03/25/2020		0420-3	239814	56.36	56.36	04/13/2020	INV	PD	LATEX GLOVES
INVOICE:2018470-IN CHECKDATE:04/17/2020											
105983		03/31/2020		0420-3	239814	29.99	29.99	04/13/2020	INV	PD	PATROL GUARD GLOVES
INVOICE:2019660-IN CHECKDATE:04/17/2020											
105984		03/31/2020		0420-3	239814	103.00	103.00	04/13/2020	INV	PD	POLICE PATCHES
INVOICE:2019661-IN CHECKDATE:04/17/2020											
						529.35					
795 SIKICH LLP											
105706		02/28/2020		0420-3	239819	8,000.00	8,000.00	03/26/2020	INV	PD	GE FIRE CO AUDIT 2019
INVOICE:425093 CHECKDATE:04/17/2020											
806 STANDARD EQUIPMENT COMPANY											
105910		03/10/2020		0420-2	239759	2,181.74	2,181.74	03/26/2020	INV	PD	PW#259 CALIPER, ROTOR
INVOICE:P20409 CHECKDATE:04/09/2020											
854 TERRACE SUPPLY COMPANY											
105991		02/29/2020		0420-3	239824	8.70	8.70	04/13/2020	INV	PD	OXYGEN/HELIUM TANK RENTAL
INVOICE:1009713 CHECKDATE:04/17/2020											
865 ACUSHNET COMPANY											
105864		03/12/2020		0420-2	239762	12,175.03	12,175.03	04/07/2020	INV	PD	GOLF SHOP RESALE
INVOICE:908805945 CHECKDATE:04/09/2020											
105990		03/12/2020		0420-3	239825	74.13	74.13	04/13/2020	INV	PD	GOLF SHOP RESALE
INVOICE:908809562 CHECKDATE:04/17/2020											
105862		03/13/2020		0420-2	239762	3,063.28	3,063.28	04/07/2020	INV	PD	GOLF SHOP RESALE
INVOICE:908813983 CHECKDATE:04/09/2020											
105863		03/13/2020		0420-2	239762	1,794.15	1,794.15	04/07/2020	INV	PD	GOLF SHOP RESALE
INVOICE:908814715 CHECKDATE:04/09/2020											
						17,106.59					
872 TRAFFIC CONTROL & PROTECTION INC											
105865		02/28/2020		0420-2	239763	781.60	781.60	04/07/2020	INV	PD	SIGN INSTALL MATERIALS
INVOICE:103508 CHECKDATE:04/09/2020											
105916		03/18/2020		0420-2	239763	630.00	630.00	03/26/2020	INV	PD	PEDESTAL BASE
INVOICE:103609 CHECKDATE:04/09/2020											
105997		03/30/2020		0420-3	239826	397.00	397.00	04/13/2020	INV	PD	RESTAURANT SIGNS
INVOICE:32773 CHECKDATE:04/17/2020											

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
873 TRAFFTECH, INC.						1,808.60					
105998 INVOICE:1657		03/31/2020		0420-3	239827	174.00	174.00	04/13/2020	INV	PD	SIGN CUTTER MATERIALS
884 U.S. FOODSERVICE, INC.											
105868 INVOICE:119564		03/25/2020		0420-2	239767	37.77	37.77	04/07/2020	INV	PD	FOOD RESALE
105869 INVOICE:138738		03/26/2020		0420-2	239767	1,022.40	1,022.40	04/07/2020	INV	PD	FOOD RESALE
105866 INVOICE:260038		04/02/2020		0420-2	239767	1,221.87	1,221.87	04/07/2020	INV	PD	FOOD RESALE; DRY GOODS
105999 INVOICE:295671		04/03/2020		0420-3	239830	92.41	92.41	04/13/2020	INV	PD	UTENSILS DRY GOODS
886 U.S. VENTURE, INC						2,374.45					
105918 INVOICE:7903475		03/10/2020		0420-2	239766	94.21	94.21	03/26/2020	INV	PD	PW#208 PIPE & GASKET
915 VERIZON WIRELESS SERVICES LLC											
105927 INVOICE:9849574668		03/01/2020		0420-3	239831	1,040.02	1,040.02	04/07/2020	INV	PD	887125807-00001 FEB 20 VERIZON
929 W.W. GRAINGER INC											
105693 INVOICE:9447137093		02/29/2020		0420-3	239802	-39.60	-39.60	03/26/2020	CRM	PD	REFUND - RETURN ITEM
105948 INVOICE:9488139644		03/27/2020		0420-3	239802	221.79	221.79	04/13/2020	INV	PD	SANITIZING WIPES
935 WATER RESOURCES INC.						182.19					
105920 INVOICE:33932		03/17/2020		0420-2	239770	12,241.92	12,241.92	04/03/2020	INV	PD	METERS; REGISTERS
962 WILSON GOLF DIVISION											
105832 INVOICE:4530315509		02/10/2020		0420-2	239771	6,398.40	6,398.40	04/03/2020	INV	PD	GOLF SHOP RESALE
105833 INVOICE:900121722		10/22/2019		0420-2	239771	-220.00	-220.00	02/10/2020	CRM	PD	CREDIT - REF CORTEX CR 2019
975 ZIEBELL WATER SERVICE PRODUCTS INC						6,178.40					
105922 INVOICE:249303		03/13/2020		0420-2	239773	748.00	748.00	04/03/2020	INV	PD	VALVE SLEEVES; SOCKETS



VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID	AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
1007 TYLER TECHNOLOGIES, INC.												
105995		03/31/2020		0420-3	239829	2,050.00		2,050.00	04/13/2020	INV	PD	BACKUP PAYROLL PRINTER
INVOICE:45-297545		CHECKDATE:04/17/2020										
1076 CINTAS CORPORATION NO 2												
105940		03/19/2020		0420-3	239785	78.97		78.97	04/13/2020	INV	PD	FIRE EXTINGUISHER INSPECTION
INVOICE:F94593710		CHECKDATE:04/17/2020										
1190 HD SUPPLY FACILITIES MAINT LTD.												
105917		03/10/2020		0420-2	239768	60.63		60.63	03/26/2020	INV	PD	SUPPLIES
INVOICE:168606		CHECKDATE:04/09/2020										
1207 CIVILTECH ENGINEERING, INC.												
105942		03/12/2020		0420-3	239786	2,310.86		2,310.86	04/13/2020	INV	PD	TRAFFIC ENGINEERING SERVICES
INVOICE:48597		CHECKDATE:04/17/2020										
105943		03/12/2020		0420-3	239786	2,500.00		2,500.00	04/13/2020	INV	PD	TRANSPORTATION ENGINEERING SER
INVOICE:48599		CHECKDATE:04/17/2020										
						4,810.86						
1446 CHICAGOLAND TURF												
105837		03/26/2020		0420-2	239730	1,011.50		1,011.50	04/07/2020	INV	PD	TURF SUPPLIES
INVOICE:INV78828		CHECKDATE:04/09/2020										
105836		03/26/2020		0420-2	239730	2,550.00		2,550.00	04/07/2020	INV	PD	TURF SUPPLIES
INVOICE:INV78829		CHECKDATE:04/09/2020										
						3,561.50						
1458 OFFICE DEPOT, INC												
105977		03/10/2020		0420-3	239815	84.30		84.30	04/13/2020	INV	PD	OFFICE SUPPLIES
INVOICE:455169353001		CHECKDATE:04/17/2020										
105978		03/10/2020		0420-3	239815	40.98		40.98	04/13/2020	INV	PD	DISPOSABLE GLOVES
INVOICE:455618128001		CHECKDATE:04/17/2020										
105979		03/10/2020		0420-3	239815	11.38		11.38	04/13/2020	INV	PD	OFFICE SUPPLIES
INVOICE:455618278001		CHECKDATE:04/17/2020										
105976		03/13/2020		0420-3	239815	40.74		40.74	04/13/2020	INV	PD	WATER
INVOICE:457685253001		CHECKDATE:04/17/2020										
105980		03/18/2020		0420-3	239815	56.99		56.99	04/13/2020	INV	PD	OFFICE SUPPLIES
INVOICE:461353550001		CHECKDATE:04/17/2020										
						234.39						
2021 A-RELIABLE PRINTING												
105929		10/23/2019		0420-3	239775	155.00		155.00	04/13/2020	INV	PD	PAPER
INVOICE:22390		CHECKDATE:04/17/2020										
105933		03/31/2020		0420-3	239775	1,230.18		1,230.18	04/13/2020	INV	PD	PRINTING, COLLATING, BINDING S
INVOICE:22425		CHECKDATE:04/17/2020										
105932		03/31/2020		0420-3	239775	87.00		87.00	04/13/2020	INV	PD	NOTE PADS
INVOICE:22428		CHECKDATE:04/17/2020										



VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
2197 BOJO TURF SUPPLY INC						1,472.18					
105834		03/27/2020		0420-2	239727	2,770.00	2,770.00	04/07/2020	INV	PD	FUNGICIDES
INVOICE:63453											
2687 STAPLES CONTRACT & COMMERCIAL, INC.											
105913		03/04/2020		0420-2	239760	203.38	203.38	03/26/2020	INV	PD	TONER; SUPPLIES
INVOICE:3441339345											
105914		03/05/2020		0420-3	239821	933.65	933.65	03/26/2020	INV	PD	CLEANING SUPPLIES
INVOICE:3441432301											
105911		03/05/2020		0420-3	239821	100.32	100.32	03/26/2020	INV	PD	KLEENEX
INVOICE:3441432302											
105912		03/06/2020		0420-2	239760	55.74	55.74	03/26/2020	INV	PD	CLEANING SUPPLIES
INVOICE:3441542206											
105988		03/17/2020		0420-3	239821	14.83	14.83	04/13/2020	INV	PD	SCOTT ROLL WHITE
INVOICE:3442619564											
						1,307.92					
3571 HARRY C SMITH LTD											
105915		03/19/2020		0420-3	239820	7,040.00	7,040.00	03/26/2020	INV	PD	LEGAL SERVICES FEB 2020
INVOICE:3225											
3995 WAREHOUSE DIRECT OFFICE PRODUCTS											
105870		03/27/2020		0420-2	239769	46.08	46.08	04/07/2020	INV	PD	CLEANING WIPES
INVOICE:4628934-0											
4547 CORE & MAIN LP											
105934		03/31/2020		0420-3	239790	952.00	952.00	04/13/2020	INV	PD	6" EXTENSIONS
INVOICE:M136492											
5049 GROOT INDUSTRIES INC.											
106000		04/01/2020		0420-3	239804	10,640.00	10,640.00	04/13/2020	INV	PD	WASTE/YARD STICKERS
INVOICE:5282392											
105895		04/01/2020		0420-2	239744	113,266.15	113,266.15	04/07/2020	INV	PD	WASTE MGMNT - JAN 2020
INVOICE:5282755											
						123,906.15					
5109 SOUTH SIDE CONTROL SUPPLY, CO.											
105856		01/29/2020		0420-2	239758	82.17	82.17	04/07/2020	INV	PD	ELECTRICAL EQUIP
INVOICE:S100604852.001											
5354 UNITED COMMUNICATION SYSTEMS											
105830		03/15/2020		0420-2	239728	909.19	909.19	04/03/2020	INV	PD	1209860 MAR/APR 2020 CALL ONE
INVOICE:216057											
105831		02/15/2020		0420-2	239728	842.34	842.34	04/03/2020	INV	PD	1209860 FEB/MAR 2020 CALL ONE
INVOICE:842.34											

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
5380 L & R MORAN, INC						1,751.53					
105956		02/29/2020		0420-3	239805	1,442.75	1,442.75	04/13/2020	INV	PD	BACKGROUND SCREENING SERVICES
INVOICE:67375				CHECKDATE:04/17/2020							
105955		03/31/2020		0420-3	239805	1,685.25	1,685.25	04/13/2020	INV	PD	BACKGROUND SCREENING SERVICES
INVOICE:67559				CHECKDATE:04/17/2020							
						3,128.00					
6173 REDLINE CONSTRUCTION INC											
105981		03/31/2020		0420-3	239818	1,481.25	1,481.25	04/13/2020	INV	PD	TURF SAND
INVOICE:10099				CHECKDATE:04/17/2020							
6405 HIGHLAND BAKING CO											
105848		03/12/2020		0420-2	239745	32.27	32.27	04/07/2020	INV	PD	FOOD RESALE
INVOICE:2272762				CHECKDATE:04/09/2020							
105847		03/26/2020		0420-2	239745	10.04	10.04	04/07/2020	INV	PD	FOOD RESALE
INVOICE:2278103				CHECKDATE:04/09/2020							
						42.31					
6470 JOHN S NEENAN											
105958		03/26/2020		0420-3	239806	72.00	72.00	04/13/2020	INV	PD	STEEL TOE WORK BOOTS
INVOICE:83352				CHECKDATE:04/17/2020							
6552 PROVANTAGE CORPORATION											
105907		03/12/2020		0420-2	239757	332.00	332.00	03/26/2020	INV	PD	VERITOS RENEWAL
INVOICE:8553942				CHECKDATE:04/09/2020							
6610 COMCAST CABLE COMMUNICATIONS, LLC											
105886		03/22/2020		0420-2	239734	202.79	202.79	04/07/2020	INV	PD	CABLE SERVICES 04/20
INVOICE:03-22-20 5119				CHECKDATE:04/09/2020							
6831 CLARK BAIRD SMITH LLP/FKA-SGDB LAW FIRM LLP											
105937		03/31/2020		0420-3	239787	4,386.25	4,386.25	04/13/2020	INV	PD	LEGAL CONSULTATION
INVOICE:12487				CHECKDATE:04/17/2020							
6832 POWER UP BATTERIES LLC											
105835		03/24/2020		0420-2	239725	14.95	14.95	04/07/2020	INV	PD	BATTERIES
INVOICE:25440317				CHECKDATE:04/09/2020							
105935		03/19/2020		0420-3	239779	9.95	9.95	04/13/2020	INV	PD	BATTERIES
INVOICE:P25314903				CHECKDATE:04/17/2020							
						24.90					
6975 THISTLE SPORTSWEAR CO LLC											
105841		03/12/2020		0420-2	239738	662.50	662.50	04/07/2020	INV	PD	GOLF SHOP RESALE
INVOICE:9426				CHECKDATE:04/09/2020							



VILLAGE OF GLEN ELLYN

VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
7183 NEWEGG INC											
105902		03/12/2020		0420-3	239812	1,539.98	1,539.98	03/26/2020	INV	PD	(2) LAPTOPS
INVOICE:1302696440		CHECKDATE:04/17/2020									
105903		03/12/2020		0420-3	239812	769.99	769.99	03/26/2020	INV	PD	(1) LAPTOP
INVOICE:1302696863		CHECKDATE:04/17/2020									
						2,309.97					
7350 NATIONAL GOLF FOUNDATION CONSULTING, INC.											
105855		02/28/2020		0420-2	239753	250.00	250.00	04/07/2020	INV	PD	ANNUAL MEMBERSHIP 5/1/20-4/30/
INVOICE:105855		CHECKDATE:04/09/2020									
7702 AVINASH PARAB											
105909		03/25/2020		0420-2	239755	37.50	37.50	03/26/2020	INV	PD	REFUND - VEHICLE STICKER
INVOICE:105909		CHECKDATE:04/09/2020									
8045 ENGINEERING SOLUTIONS TEAM											
105829	20200006	02/03/2020		0420-2	239742	12,373.00	12,373.00	04/03/2020	INV	PD	NEGOTIATING SVCS PARK GARAGE
INVOICE:7		CHECKDATE:04/09/2020									
8086 HUFF & HUFF, INC											
105896		03/13/2020		0420-2	239746	1,885.21	1,885.21	03/13/2020	INV	PD	APEX 400 SUBSURFACE
INVOICE:791375		CHECKDATE:04/09/2020									
8302 JEFFREY ULM											
105919		04/03/2020		0420-2	239764	17.00	17.00	04/03/2020	INV	PD	REFUND - VEHICLE STICKER
INVOICE:105919		CHECKDATE:04/09/2020									
8502 NEW CHICAGO WHOLESALE BAKERY, INC											
105840		03/10/2020		0420-2	239729	5.40	5.40	04/07/2020	INV	PD	FOOD RESALE
INVOICE:368056		CHECKDATE:04/09/2020									
8565 WIDEOPENWEST FINANCE LLC											
105921		03/29/2020		0420-2	239772	68.00	68.00	04/03/2020	INV	PD	014034905 3/28/20-4/27/20
INVOICE:3-29-20 4905		CHECKDATE:04/09/2020									
8854 KEITH DUVAL											
105892		02/28/2020		0420-2	239741	88.20	88.20	04/07/2020	INV	PD	UNIFORM REIMBURSEMENT
INVOICE:105892		CHECKDATE:04/09/2020									
8907 BRADLEY BOOTON											
106002		04/10/2020		0420-3	239780	50.00	50.00	04/13/2020	INV	PD	REIMBURSE PER DIEM / TRAINING
INVOICE:106002		CHECKDATE:04/17/2020									
9595 LAUTERBACH & AMEN, LLP											

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
105826 INVOICE:44102	20200011	03/06/2020		0420-3 CHECKDATE:04/17/2020	239807	30,000.00	30,000.00	04/03/2020	INV	PD	AUDIT SERVICES
10019 TRANSUNION RISK AND ALTERNATIVE DATA SOLUTIONS INC											
105994 INVOICE:258788-202003-1		04/01/2020		0420-3 CHECKDATE:04/17/2020	239828	162.30	162.30	04/13/2020	INV	PD	BACKGROUND SEARCHES
10033 G & B SERVICE AND RECOVERY											
106003 INVOICE:71960		01/06/2020		0420-3 CHECKDATE:04/17/2020	239801	165.00	165.00	04/13/2020	INV	PD	TOWING SEIZED VEHICLE P.D.
10104 SUPREME LOBSTER CO											
105861 INVOICE:6866342		03/25/2020		0420-2 CHECKDATE:04/09/2020	239761	175.02	175.02	04/07/2020	INV	PD	FOOD RESALE
105860 INVOICE:6866343		03/25/2020		0420-2 CHECKDATE:04/09/2020	239761	531.00	531.00	04/07/2020	INV	PD	FOOD RESALE
105859 INVOICE:6866994		03/27/2020		0420-2 CHECKDATE:04/09/2020	239761	272.50	272.50	04/07/2020	INV	PD	FOOD RESALE
105858 INVOICE:6867150		03/27/2020		0420-2 CHECKDATE:04/09/2020	239761	348.39	348.39	04/07/2020	INV	PD	FOOD RESALE
105857 INVOICE:6868829		04/02/2020		0420-2 CHECKDATE:04/09/2020	239761	534.00	534.00	04/07/2020	INV	PD	FOOD RESALE
105987 INVOICE:6869405		04/03/2020		0420-3 CHECKDATE:04/17/2020	239822	67.14	67.14	04/13/2020	INV	PD	FOOD RESALE
						1,928.05					
10300 ROBERT/ALYSSA BRAUN											
105923 INVOICE:105923		04/08/2020		0420-3 CHECKDATE:04/17/2020	239781	330.24	330.24	04/08/2020	INV	PD	REFUND - WATER BILL
10373 HISTORIC PALM LLC											
105849 INVOICE:67145		03/01/2020		0420-2 CHECKDATE:04/09/2020	239735	1,349.60	1,349.60	04/07/2020	INV	PD	MONTHLY JANITORIAL SERVICE
10505 CDM SMITH INC											
105941 INVOICE:90094905	20170019	03/12/2020		0420-3 CHECKDATE:04/17/2020	239782	12,559.85	12,559.85	04/13/2020	INV	PD	METRA DESIGN, PHASE I ENGINEER
10711 MR/MRS SEAN PFEIFFER											
106001 INVOICE:106001		04/01/2020		0420-3 CHECKDATE:04/17/2020	239816	1,365.00	1,365.00	04/13/2020	INV	PD	REAL ESTATE TRANSFER TAX - 387
10805 DCG ROOFING SOLUTIONS INC											
105889 INVOICE:3220		03/25/2020		0420-2 CHECKDATE:04/09/2020	239737	1,042.50	1,042.50	04/07/2020	INV	PD	ROOF REPAIR SERVICES

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
10952 CONSUMERS PACKING COMPANY											
105845		03/25/2020		0420-2	239736	290.97	290.97	04/07/2020	INV	PD	FOOD RESALE
INVOICE:363460 CHECKDATE:04/09/2020											
11284 CIVICPLUS, INC											
105888		03/10/2020		0420-2	239731	463.65	463.65	04/07/2020	INV	PD	NOTIFICATION SERVICES
INVOICE:197886 CHECKDATE:04/09/2020											
11416 PROGRESSIVE MECHANICAL INC											
105703		03/18/2020		0420-3	239817	7,725.00	7,725.00	03/26/2020	INV	PD	FIRE STATION RTU REPLACEMENTS
INVOICE:1772 CHECKDATE:04/17/2020											
11460 BRIAN/LAUREN ZABEN											
105872		04/07/2020		0420-3	239832	1,455.00	1,455.00	04/07/2020	INV	PD	REAL ESTATE TRANSFER TAX - 554
INVOICE:105872 CHECKDATE:04/17/2020											
11480 M.A. MORTENSON COMPANY											
105887	20190011	03/31/2020		0420-3	24577	161,168.00	161,168.00	04/07/2020	DIR	PD	GARAGE PRE-CONSTRUCTION DESIGN
INVOICE:18090015-05 CHECKDATE:04/15/2020											
11715 DAY ROBERT & MORRISON, PC											
106008		03/31/2020		0420-3	239795	31,002.50	31,002.50	03/31/2020	INV	PD	LEGAL SERVICES JAN 2020
INVOICE:31183 CHECKDATE:04/17/2020											
105659		02/29/2020		0420-3	239794	10,892.49	10,892.49	03/15/2020	INV	PD	FILE 19-04-2285 LEGAL SERVICES
INVOICE:31272 CHECKDATE:04/17/2020											
						41,894.99					
11828 GET FRESH PRODUCE											
105844		11/28/2019		0420-2	239743	20.75	20.75	04/07/2020	INV	PD	FOOD RESALE
INVOICE:3381191 CHECKDATE:04/09/2020											
105843		03/25/2020		0420-2	239743	297.65	297.65	04/07/2020	INV	PD	FOOD RESALE
INVOICE:3496672 CHECKDATE:04/09/2020											
105846		03/26/2020		0420-2	239743	24.50	24.50	04/07/2020	INV	PD	FOOD RESALE
INVOICE:3498114 CHECKDATE:04/09/2020											
105842		03/26/2020		0420-2	239743	30.00	30.00	04/07/2020	INV	PD	FOOD RESALE
INVOICE:3498307 CHECKDATE:04/09/2020											
						372.90					
11887 DACRA ADJUDICATION SYSTEMS LLC											
105944		03/31/2020		0420-3	239792	1,500.00	1,500.00	04/13/2020	INV	PD	SOFTWARE SERVICE - MARCH 20
INVOICE:2020-162 CHECKDATE:04/17/2020											
11933 ACTION HEATING & AIR, INC											
105930		03/25/2020		0420-3	239776	276.00	276.00	04/13/2020	INV	PD	SERVICE CALL 3/25/20
INVOICE:67836 CHECKDATE:04/17/2020											

VILLAGE OF GLEN ELLYN



VENDOR INVOICE LIST

DOCUMENT	P.O.	INV DATE	VOUCHER	WARRANT	CHECK #	INVOICE NET	PAID AMOUNT	DUE DATE	TYPE	STS	INVOICE DESCRIPTION
12030 LAMBERT & ASSOCIATES											
105867 INVOICE:200165		04/07/2020		0420-2	239749	2,350.00	2,350.00	04/07/2020	INV	PD	SURVEY; ZONING REPORT
CHECKDATE:04/09/2020											
12031 AIRY'S, INC											
105873 INVOICE:23703		02/28/2020		0420-2	239724	5,921.10	5,921.10	04/07/2020	INV	PD	EMERGENCY PUMP S.PARK LIFT STA
CHECKDATE:04/09/2020											
12032 KRISTIN ALBRECHT											
105871 INVOICE:105871		04/07/2020		0420-3	239777	2,025.00	2,025.00	04/07/2020	INV	PD	REAL ESTATE TRANSFER TAX - 403
CHECKDATE:04/17/2020											
12033 CRAIG / ANN-MARIE CUDZILO											
105874 INVOICE:105874		04/07/2020		0420-3	239791	175.00	175.00	04/07/2020	INV	PD	HYDRANT METER LEASE REFUND - 6
CHECKDATE:04/17/2020											
12034 US BANK N.A.											
105924 INVOICE:105924		04/08/2020		0420-2	239765	63.26	63.26	04/08/2020	INV	PD	REFUND - WATER BILL
CHECKDATE:04/09/2020											
12035 COLDWELL BANKER RES BROKERAGE											
105925 INVOICE:105925		04/08/2020		0420-3	239788	102.51	102.51	04/08/2020	INV	PD	REFUND - WATER BILL
CHECKDATE:04/17/2020											
12036 BODNAR, WILLIAM											
105926 INVOICE:105926		04/08/2020		0420-2	239726	4.09	4.09	04/08/2020	INV	PD	REFUND - WATER BILL
CHECKDATE:04/09/2020											
12037 EAN SERVICES, LLC											
105945 INVOICE:105945		04/07/2020		0420-3	239796	25.00	25.00	04/13/2020	INV	PD	REFUND - OVERPAYMENT PARKING T
CHECKDATE:04/17/2020											
12038 SVIGOS ASSET MANAGEMENT INC											
106010 INVOICE:106010		04/16/2020		0420-3	239823	100,000.00	100,000.00	04/16/2020	INV	PD	PUBLIC IMPROVEMENT/RELEASE AGR
CHECKDATE:04/17/2020											
						100,000.00					
168 INVOICES						682,028.76					

** END OF REPORT - Generated by Lori Thomas **



Minutes
Village of Glen Ellyn
Regular Meeting
Monday, March 23, 2020
7:00 PM
Glen Ellyn Civic Center, Galligan Board
Room

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

Attendee Name	Title	Status	Arrived
Diane McGinley	Village President	Present	
Bill Enright	Village Trustee	Remote	
Gary Fasules	Village Trustee	Remote	
Craig R. Pryde	Village Trustee	Remote	
Kelli E. Christiansen	Village Trustee	Remote	
Steve Thompson	Village Trustee	Remote	
Mark Senak	Village Trustee	Remote	
John Chereskin	Village Clerk	Present	
Mark Franz	Village Manager	Present	
Greg Mathews	Village Attorney	Remote	
William Holmer	Assistant Village Manager	Present	
Christina Coyle	Finance Director	Present	
Julius Hansen	Public Works Director	Excused	
Staci Springer	Director	Remote	
Phil Norton	Chief of Police	Remote	
Jeff Vesevick	General Manager Village Links	Remote	
Rich Daubert	Professional Engineer	Remote	
Justin Chiappetta	IT Manager	Remote	
Chris Clark	Fire Chief	Remote	

D. Audience Participation

1. Open:

Mark Price, who resides in Glen Ellyn, wrote in regards to essential and non-essential businesses during the stay at home order. President McGinley stated staff will reach out to Mr. Price directly.

Nancy Perlman, who resides in Glen Ellyn, wrote against the potential rollout of 5G small wireless telecommunications facilities. President McGinley thanked Ms. Perlman for her passion, and also stated the Village continues to work on this topic but is currently focusing on the COVID-19 pandemic.

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- E. Consent Agenda - The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below:

Trustee Fasules asked what would happen if the projects on the Consent Agenda can't move forward due to lack of Village funds. Village Manager Franz stated each project has been reviewed separately in regards to available funds. Village Manager Franz stated staff continues to monitor funds. Village Manager Franz stated all the projects being voted on tonight are deemed essential.

Trustee Fasules asked if painting fire hydrants is considered an essential service. Village Attorney Mathews stated it is an essential service as it is part of maintaining the Village's water systems. Village Attorney Mathews also stated the Village Board can include in the consent agenda motion the language "subject to attorney review".

Trustee Thompson stated he believes it is important to support small and local businesses during this time; approving these contracts is a way to support those businesses.

Trustee Senak stated it is important to continue essential services for water & street; however, he believes the Village needs to adopt a more conservative approach.

RESULT:	APPROVED [6 TO 0]
MOVER:	Kelli E. Christiansen, Village Trustee
SECONDER:	Gary Fasules, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak
PRESENT:	McGinley

Motion to approve the following items including Payroll and Vouchers totaling \$1,880,809.32. These agenda items have been reviewed by the Management Team & Village Attorney and are consistent with the Village's purchasing policy, subject to attorney review (Trustee Christiansen)

1. Total Expenditures (Payroll and Vouchers) - \$1,880,809.32
2. Glen Ellyn Village Board - Regular Meeting - Mar 9, 2020 7:00 PM
3. Ordinance No. 6774, An Ordinance Establishing and Extending Temporary Executive Powers Pursuant To Section 3.16 Of Glen Ellyn Municipal Code And Pursuant To 65 ILCS 5/11-1-6 (Village Attorney Mathews)

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4. Motion to Authorize the Village Manager to Execute a Contract with Performance Pipelining, Inc. of Ottawa, Illinois, in the Amount of \$628,591.50 for the 2020 Sanitary Sewer Lining Program to be Expensed to the Sanitary Sewer Fund and to Authorize the Village Manager to Execute a Contract with Performance Construction and Engineering, LLC of Plano, Illinois, in the Amount of \$148,800.00 for the 2020 Sanitary Sewer Point Repair Program to be Expensed to the Sanitary Sewer Fund (Public Works Director Hansen)
5. Motion to Authorize the Village Manager to Execute a Contract with Schroeder Asphalt Services Inc. of Huntley, Illinois, in the Amount of \$158,140.00 for the 2020 Asphalt Roadway Patching Program to be Expensed to the Parking and Capital Project Funds and to Authorize the Village Manager to Execute One or More Contract Change Orders for Additional Work with Schroeder Asphalt Services Inc. of Huntley, Illinois in an Amount not to Exceed \$26,860.00, for the 2020 Asphalt Roadway Patching Program to be Expensed to the Parking and Capital Project Funds. (Professional Engineer Daubert)
8. Resolution No. 20-04, A Resolution Authorizing Adoption of the Official Zoning District Map of 2020 for the Village of Glen Ellyn, DuPage County, Illinois (Community Development Director Springer)

Trustee Senak asked if each item that has been requested in the zoning map has been approved previously by the Village Board. Community Development Director Springer confirmed they have all been adopted by the Village Board.

Items Removed from the Consent Agenda and Voted on Independently

6. Motion Pursuant to Section 1-10-7 of the Village Code (Joint Purchases with Other Governmental Bodies) to Authorize the Village Manager to Execute a Contract with GO Painters, Inc. of Maywood, IL, in an Amount Not to Exceed \$37,800 for the 2020 and 2021 Hydrant Painting Program, to be Expensed to the Water and Sewer Fund (Public Works Director Hansen)

Professional Engineer Daubert stated the fire hydrant painting project is a two year program with 200 hydrants being painted in 2020 and 200 in 2021. Professional Engineer Daubert stated the value of the hydrants are way more than the cost to paint them, and painting the hydrants increase visibility and is essential to preserve the hydrants.

President McGinley asked how often the hydrants get painted and when the next time they are scheduled to get painted. Professional Engineer Daubert stated they get painted every eight to ten years.

Trustee Pryde asked if it is possible to save the money and have the Public Works Department complete the work in house. Village Manager Franz stated the Public Works Department is still working on other projects. Professional Engineer Daubert stated the contractors will be more efficient and will do a better job with the hydrant painting.

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Trustee Pryde asked if the cost is a total for the two year program, of it the Village will have the same cost in 2021. Professional Engineer Daubert stated \$18,600 will be paid in 2020 and \$19,200 will be paid in 2021. Trustee Pryde asked if the Village will push forward money that is approved, or is the Village prepaying for both years. Finance Director Coyle stated the funds will be pushed forward.

Trustee Fasules asked if this project is a necessary essential function, or a luxury essential function. Trustee Fasules stated he is not saying this is not an important project, but is just asking to defer it to a later date.

Trustee Senak stated nobody is saying this project is not needed, but now is not the time to complete it. Trustee Senak stated he is advocating for a conservative approach on what is essential.

Trustee Christiansen asked to what extent is this project a priority due to safety issues, and has the Fire Department weighed in on this project and their thoughts on doing this now or deferring it.

Finance Director Coyle stated there is no doubt the Village will need to use reserves funds, and discussion on priority of projects is important. Finance Director Coyle stated it is important to see what fund the project is getting paid from. The hydrant painting project would come from the Water & Sewer Fund, which can't be used for other non-water & sewer related projects. Finance Director Coyle did state there were other funds that can have money moved to other reserves.

Trustee Senak asked if President McGinley can approve the redirection of money in the Water & Sewer Fund with her temporary executive powers. Village Attorney Mathews stated it is Illinois law that the Water & Sewer Fund only be used for related projects, and the Village President could not change this.

Professional Engineer Daubert stated the Public Works Department takes painting the hydrants very seriously, and this helps preserve the hydrant itself. Professional Engineer Daubert stated he recommends moving forward and completing the project at this time.

Trustee Senak asked if the painting cycle was complete in 2018. Professional Engineer Daubert stated painting was complete in 2018; however, this is a new project cycle. Professional Engineer Daubert also stated not all hydrants were painted in previous years.

Trustee Senak stated he did not see a warranty provision in the contract, and asked if there was any consideration in adding one. Trustee Thompson stated there is a one year warranty written in the contract.

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Village Manager Franz asked when the work for this project is expected to start in June of 2020.

President McGinley asked if it is possible to approve the contract tonight, but to allow six months to cancel pending the current COVID-19 situation. Trustee Pryde stated there is a termination clause listed in the bid for this project.

Village Attorney Mathews noted the bid documents state the Village has the right to cancel the contract with a 30 day notice. Village Attorney Mathews stated at that time, the Village will only have to pay for the work that is complete.

Trustee Senak stated he does not support completing this project at this time.

Trustee Fasules stated he would like each Village Department to identify what is essential for that department.

Trustee Enright stated he is in support of this project, and wants to help support small and local businesses.

Trustee Christiansen asked what the increase in costs is expected if the Village Board delays this project for a year. Professional Engineer Daubert stated typically there is three to five percent increase per year.

RESULT:	APPROVED [5 TO 1]
MOVER:	Bill Enright, Village Trustee
SECONDER:	Kelli E. Christiansen, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson
NAYS:	Senak
PRESENT:	McGinley

8. Motion to Authorize the Village Manager to Execute an Agreement with Union Pacific Railroad for Preliminary Engineering Services Associated with the Glen Ellyn Metra Train Station and Multimodal Access Improvements Project in the not-to-exceed Amount of \$20,000, to be expensed to the Capital Projects Fund (Professional Engineer Daubert)

Professional Engineer Daubert stated there are a number of entities that will need to review the train station project, including review by the Union Pacific Railroad (UP). Professional Engineer Daubert stated UP can charge us for their review, and the Village does need approval from UP prior to submitting the plans for IDOT's approval.

President McGinley stated there has been a \$500,000 increase in grant funding for this project. Professional Engineer Daubert stated staff continues to submit applications for additional grants for this project.

Trustee Senak stated he is interested in deferring this project, and in using the money to assist with the COVID-19 crisis. Trustee Senak also noted that

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previously it was stated the Food and Beverage Tax would help pay for this project, and due to the COVID-19 crisis, the Food and Beverage Tax will not bring in the money that was expected.

Trustee Senak asked if the Village will lose grant funding if the Board votes to defer this step in the project. Professional Engineer Daubert stated he has not heard that grant funds will be rescinded; however, deferring the project will hold up IDOT's approval.

Finance Director Coyle stated the Village is not committed, from a bond standpoint, to pay the full bond back with Food and Beverage Tax money. Finance Director Coyle stated she is unsure how COVID-19 will impact the Food and Beverage Tax at this time, but it is only one source of funding.

Trustee Pryde asked what would be the impact of pushing this item to a Village Board meeting in two weeks. Finance Director Coyle stated the Village may not have additional information in two weeks in regards to impacts of COVID-19.

Professional Engineer Daubert stated the Village is required to submit several plan reviews to UP and various stages of the project. Professional Engineer Daubert stated the Village will control when the review fees occur as we control when we submit plans to review.

President McGinley asked if the \$100,000 is for all reviews, or just the one currently being submitted. Professional Engineer Daubert confirmed the \$100,000 is for all the reviews that will occur throughout this project. Trustee Senak stated there is no need to complete this project now when the Village is so unsure about revenue at this time. Trustee Senak requested the item to be deferred.

President McGinley stated staff is being very careful with money during this time. President McGinley also stated the Village can stop this contract at any time and no pay the full \$100,000 in review fees. President McGinley also stated this money is to secure a project that the Village has already put a lot of time and money into.

Trustee Pryde suggested an amended motion that limits the approval to \$20,000 so the Village can receive review for the plans that are currently submitted.

Trustee Thompson asked if that would mean the contract would have to be renegotiated. Trustee Thompson recommended the Village Board approve the contract as is, and the control the expenses as suggested by Professional Engineer Daubert.

Village Attorney Mathews stated the motion and contract will have to be amended. Professional Engineer Daubert stated he will reach out to UP

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tomorrow to see if this is a possible option.

RESULT:	APPROVED [6 TO 0]
MOVER:	Kelli E. Christiansen, Village Trustee
SECONDER:	Craig R. Pryde, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak
PRESENT:	McGinley

F. Village Links/Reserve 22 Updates (Presented by General Manager Vesevick) (Trustee Thompson)

1. General Manager Vesevick will present the Fourth Quarter 2019 Financial Report for the Village Links/ Reserve 22.

General Manager Vesevick provided an update on the 4th quarter 2019 financial report for the Village Links/Reserve 22 including information on accomplishments, revenue and cash reserves.

Public Comment

Glen Graham, who resides in Glen Ellyn, provided his input on the Village Links/Reserve 22 revenue, budget and funding.

RESULT:	DISCUSSION ONLY
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2. Ordinance No. 6775, An Ordinance Amending the Budget of the Village of Glen Ellyn for the Fiscal Year Ending December 31, 2020, to Provide \$250,000 Funds for the Village Links/Reserve 22 Fund.

General Manager Vesevick provided predictions on 2020 including potential issues in relation to COVID-19. General Manager Vesevick stated the Village Links/Reserve 22 is looking for a short term loan and also stated unemployment is a potential added expense.

Trustee Enright asked if the Village Links/Reserve 22 unemployment is a Village liability. General Manager Vesevick stated the Village would have to pay unemployment while the Village Links/Reserve 22 is closed. General Manager Vesevick also stated not every employee would apply for unemployment benefits.

Trustee Fasules asked if there was any thought on reducing hours to those full-time staff who are continuing to work. General Manager Vesevick stated that may happen pending how long the Village Links/Reserve 22 remains closed.

Trustee Fasules asked how much money Reserve 22 is making with their curbside pickup program. General Manager Vesevick stated they have only ran the curbside pickup one weekend and staff will continue to monitor the program.

Trustee Senak asked what would happen if this loan was not approved. General

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Manager Vesevick stated without the loan the Village Links/Reserve 22 would need to find a loan on their own. Finance Director Coyle stated the Village Links/Reserve 22 is not a separate entity, and they would not be able to get a loan themselves. Finance Director Coyle stated this loan would be used after the current reserves have been depleted. Finance Director Coyle stated the loan would be used to pay employees and vendors.

Village Manager Franz stated the Village may be eligible for State and Federal loans due to the COVID-19 crisis. Village Manager Franz stated staff will continue to look into this.

President McGinley asked if the Village Board approved this line of credit, could the amount to adjusted if priorities change. Finance Director Coyle stated if costs have not occurred, it can be redirected back into the General Fund.

Trustee Fasules stated he recommended using the cash reserves before the loan is issued. Finance Director Coyle stated the Village Board can defer this agenda item; however, that brings concerns of not being able to meet current obligations. Finance Director Coyle stated the cash reserves would be used prior to the loan.

Trustee Pryde asked if the Village Board can approve a loan for \$250,000. Trustee Pryde stated this loan, along with the cash reserves, should keep the Village Links/Reserve 22 running until June.

RESULT:	APPROVED AS AMENDED [6 TO 0]
MOVER:	Steve Thompson, Village Trustee
SECONDER:	Craig R. Pryde, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak
PRESENT:	McGinley

G. IT Infrastructure (Presented by IT Manager Chiappetta) (Trustee Pryde)

1. IT Manager Chiappetta will brief the Village Board about a major IT upgrade needed for the Village infrastructure
2. Motion to waive competitive bidding pursuant to Section 1-10-2 of the Village Code and authorize the Village Manager to execute a contract with Storcom IT Intelligence of Lombard, IL in the not-to-exceed amount of \$85,000 for Hardware and Software related to a Storage Area Network

IT Manager Chiappetta stated the IT Department is recommending the purchase and implementation of a Hyperconverged Infrastructure Solution/Storage Area Network (HCI/SAN). The HCI/SAN is an important step towards achieving an efficient and flexible IT infrastructure. This solution will also allow several new technologies to be integrated into the Villages IT systems. In addition, the HCI/SAN would be utilized to implement the next upgrade to the Tyler Munis Enterprise Resource Planning (ERP) system.

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IT Manager Chiappetta stated the Village Board may recall that during the 2020 budget preparation, staff was proposing to transition our ERP system to a hosted solution. Early thoughts were that a cloud based system would be more advantageous from the perspective of redundancy and would save money by avoiding the cost of replacing servers which are near the end of useful life. Staff pledged to continue to evaluate the pros/cons of this move. As a result of that evaluation, staff has reversed course on the idea of the hosted solution and, instead, feels that upgrading the infrastructure will save money long-term while allowing us to provide other benefits to the network. Timeliness regarding a decision is an issue due to the fact that we are anticipating an update to Tyler Munis this year. Our current infrastructure needs to be upgraded to handle the Tyler update.

IT Manager Chiappetta stated the cost to transition to the hosted solution would be approximately \$60,000 annually, in addition to the annual cost of \$80,000 paid to Munis. The Village also need to purchase some network hardware related to the conversion. In the 2020 budget, we planned for an expense of \$140,000 toward the Munis solution.

IT Manager Chiappetta stated upgrading to the HCI/SAN would eliminate the need to utilize the Tyler Munis ERP cloud hosted solution. This is due to the increased redundancy and disaster recovery capabilities of the HCI/SAN system. Making this change would reduce the annual IT budget (for Munis hosting) by \$62,017.

IT Manager Chiappetta stated the upgrade would eliminate the need for all currently budgeted server hardware for the life of the system (5-7 years). Total of eliminated hardware purchases over the next 5 years is \$58,000. The table below depicts the savings realized with this implementation over a seven year period.

President McGinley asked if the proposed improvements will help staff to work from home. IT Manager Chiappetta stated this would allow staff to work from remote desktops and will help additional systems. IT Manager Chiappetta stated it will also help IT more efficiently manage infrastructure.

Trustee Senak asked the cost for the first year and how much was previously budgeted for. IT Manager Chiappetta stated the first year is \$138,000, and the Village had budgeted for \$70,000.

Village Manager Franz stated there is between \$60,000 and \$70,000 that is not budgeted for.

Trustee Pryde asked if this is considered a capital project. Village Manager Franz confirmed this is considered a capital project that was included in the five year capital improvement plan.

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Trustee Christiansen asked when the Tyler software upgrade is scheduled. IT Manager Chiappetta stated it is scheduled for June 2020. IT Manager Chiappetta also stated it may take three weeks to get the software up and running and four to six weeks to procure the software.

Trustee Fasules asked how much staff will it take to test and be trained in the new software. IT Manager Chiappetta stated the training will be fairly detailed, and the training is expected to start in September or October.

Trustee Senak asked where the unbudgeted money will come from, and if will come from the same fund as the previously discussed hydrant project. Finance Director Coyle stated IT projects get paid through the General Fund and the hydrant project will get paid through the Water & Sewer Fund.

Trustee Senak questioned if the Village is allowed to waive competitive bidding for this project. Village Attorney Mathews confirmed the Village can in fact waive competitive bidding per the Village Code.

RESULT:	APPROVED [6 TO 0]
MOVER:	Craig R. Pryde, Village Trustee
SECONDER:	Steve Thompson, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak
PRESENT:	McGinley

H. Board Room AV System (Presented by IT Manager Chiappetta) (Trustee Pryde)

1. IT Manager Chiappetta will brief the Village Board about updates and replacements that are needed to support the audio/video system in the Galligan Board Room.

IT Manager Chiappetta stated the Village of Glen Ellyn's Audio Video (AV) System is used to record, archive, transmit, stream, broadcast, and edit audio and video taken from Board/Commission meetings and Adjudication Hearings held in both the Galligan Board Room and Room 301 (audio only). The AV System is also utilized for presentations and sound reinforcement in the Galligan Board Room. The AV system needs to be replaced to ensure continued operational capability.

IT Manager Chiappetta stated the current AV system has been held together on a thin budget and has not been adequately maintained or upgraded over time. Supporting and maintaining the AV system has become a challenge. Many components of the system have been in place for close to 20 years. Because of its age, many of those components are no longer produced or supported by the manufacturer. This produces a "best effort" support model, which creates a system with a high risk for failure. In short, we are at risk of a catastrophic failure of this system. Additionally, staff has received complaints from the public

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regarding the sound quality broadcast over cable channels during Village Board meetings; however, we have been unable to identify the exact cause of the problems.

IT Manager Chiappetta stated replacing the current AV system would provide many additional capabilities; the following are some of the larger improvements we could expect. The system could be more automated with touch screen control panels. This will allow the system to be more flexible in its use and more user-friendly. The new system will also provide capability to schedule programming for the streaming and cable channels. This allows for informational slides, recorded events, etc. to be broadcast at specific times, increasing the content that can be provided. Audio issues present in the current system will also be addressed with the new system. Additionally, the AV System Studio and Board Room presentation area would be reworked to provide a more professional look.

IT Manager Chiappetta stated staff considered a phased approach to replacing the system to soften the impact to the budget; however, with the previous information taken into account and to assure the continued operation, the recommendation is to replace the system in its entirety. The current system is built on outdated analog technology; the industry is now standardized on digital technologies. This makes it inherently difficult to replace the system in phases.

IT Manager Chiappetta stated once replaced, the IT Division would officially oversee the new system and its operations. The expected useful life of the system is 10 years with minimal additional investment during that timeframe.

IT Manager Chiappetta stated staff has obtained estimates from several AV system integrators and the estimated costs are provided below. These estimates are based upon building a system that is comparable in features to our current system.

Trustee Pryde asked how two competitive prices are \$90,000 apart, and how confident is staff that these numbers will not increase as the project continues. IT Manager Chiappetta stated he has a high level of confidence that the price will not go over what was quoted and stated companies typically quote their not-to-exceed price.

Trustee Pryde asked what the timeframe is to bid this project and to get the new system installed. IT Manager Chiappetta stated he believes it can take two weeks for the bid process, four to six weeks to procure the hardware and three weeks to install.

Trustee Christiansen asked how much money has been spent on the current AV system. Assistant Village Manager Holmer stated there has not been significant money spent on the AV system, with the exception of some band aid fixes.

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President McGinley stated she often hears complaints from residents in regards to not being able to properly hear the audio of Board meetings.

Trustee Thompson stated this is a highly needed project, and he also hears the same complaint as President McGinley regarding the quality of the audio.

Trustee Fasules stated he does not support this project at this time as it is not budgeted for and the Village has already approved several projects that will be paid through the Village's reserves.

Village Manager Franz stated the approval of this item will be removed from the agenda, and staff will continue to do research on this project.

RESULT:	DISCUSSION ONLY
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I. Metro Contract Amendment (Presented by Assistant Village Manager Holmer) (Discussion Only)

1. Assistant Village Manager Holmer will brief the Board about a concept to add paramedic services to the current paramedic services operation.

Assistant Village Manager Holmer stated the Village currently has a 5-yr contract (currently year 1) with Metro Paramedic Services, Inc. to provide ambulance service in the Village. That contract provides paramedics staff two ambulances 24 hours/day. In light of the increase in calls expected, there has been concern about a need for additional supervision of paramedic services along with the potential need for more manpower during the current health crisis.

Assistant Village Manager Holmer stated Metro has a "rapid response" model which offers a supervising paramedic in a car who would respond and act as a supervisor on a typical medical call. This paramedic also carries with him or her some medical equipment to allow him/her to begin patient care. However, this individual would not have the ability to transport a patient. By providing more dedicated supervision and additional manpower, we would be able to manage this workload more effectively.

Assistant Village Manager Holmer stated the benefits to the program are the ability to provide better supervision for our paramedic services while providing some additional response capabilities. This program would provide a third response capable paramedic in the Village during peak times. Finally, the addition of this supervisor would eliminate the need for both ambulances to be dispatched to one call for cardiac issues. Again, this individual does not have the ability to transport, but is an additional trained paramedic on staff to provide treatment. Staff is anticipating an increase in medical response calls and requested a proposal from Metro for the rapid response model. This model has been used in Elmhurst during the past year and has, reportedly, worked out very well.

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Assistant Village Manager Holmer noted that the Advanced Life Support Rapid Response Vehicle would be staffed by the EMS Coordinator/Field Triage Paramedic for 8 hours per day Monday through Friday during peak times for call responses.

Assistant Village Manager Holmer stated the EMS Coordinator would be responsible for the scheduling of paramedics and coordinating the activities of the paramedics supplied by Metro. The EMS Coordinator would be responsible for quality control of the services provided by Metro and would review all paramedic reports for the purpose of ensuring such reports meet all the requirements necessary to support the proper billing of the ambulance services. The EMS Coordinator would assume other EMS roles and perform and coordinate other duties as assigned by the Village, the Fire Chief, or the Administrator of the GEVFC and act as a liaison between Metro, the Village, the Glen Ellyn Volunteer Fire Company (GEVFC) and its command staff. The EMS Coordinator would work as part of Village staff and keep the Village, the Fire Chief, and the Administrator informed of occurrences which directly or indirectly may affect the Village or GEVFC.

*Assistant Village Manager Holmer stated Metro provided a proposal for this rapid response model which contained a couple of options with varying amounts of personnel, and also with Metro providing the vehicle versus the Village providing the vehicle. The proposal covers a 5-year period although, if there is interest, we would suggest securing an agreement to enter a one-year agreement with an option to opt-out after the one year evaluation. Metro is agreeable to this if the Village provides the vehicle for the program. We do have a vehicle that can be used for this program. Should the Village provide the vehicle the one year cost will be reduced by \$19,000 making the cost **\$161,268**. Therefore, utilizing the next year as a pilot program, we could benefit from these additional services over the next year and evaluate its effectiveness in real time. After that year, we would decide how to proceed.*

Fire Chief Clark stated the Glen Ellyn Volunteer Fire Company would benefit from this proposal and would put Metro in a much better position to provide supervision and quality control.

Trustee Senak asked if there has been any incident where our current staffing could need meet the quantity of calls. Village Manager Franz stated that when there is a 3rd call, staff is not able to provide the same quality of care. Assistant Village Manager Holmer stated there is not an issue with keeping up with the quantity of calls; however, there have been personnel issues which is why it would be beneficial to have a dedicated supervisor.

Trustee Fasules asked how the Village plans to start preparing for COVID-19 related calls, and how the Village plans to protect EMS, Fire and Police Staff. Trustee Fasules stated he is concerned that all personnel will get exposed at the same time. Fire Chief Clark stated they are only sending one paramedic per call,

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staff is practicing social distancing when possible and are using PPE's.

Trustee Pryde asked if the Village has a liability if a volunteer were to get sick and they then need to miss work at their full-time job. Fire Chief Clark stated they are trying to keep volunteers away from potential COVID-19 cases.

Village Manager Franz stated that time is of the essence with this project and that if the Village Board is comfortable moving forward with this staff can address any questions as they arise.

Trustee Senak stated he believes this is a great program, but he does not see the need for it.

Trustee Thompson stated he is in support of this program and encourages staff to move forward.

Trustee Fasules stated he is in support to increase our EMS services, but does not know if this is the correct solution. Trustee Fasules asked staff to continue to do research on other program options.

Trustee Enright stated that this is a good long term solution, but also encouraged staff to continue to do research on a short term solution.

Trustee Christiansen stated she will not comment on the proposal directly; however, stated she wants to be careful on spending reserves as we are unsure on how long the COVID-19 crisis will last.

Trustee Pryde stated he is in favor of this program but stated the funding source needs to be further evaluated.

RESULT:	DISCUSSION ONLY
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J. Reminders

1. A Village Board Meeting is scheduled for Monday, April 13, 2020 at 7:00 PM.
2. A Village Board Workshop is scheduled for Monday, April 20, 2020 at 7:00 PM.

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K. Other Business

L. Adjournment

RESULT:	APPROVED [6 TO 0]
MOVER:	Kelli E. Christiansen, Village Trustee
SECONDER:	Mark Senak, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak
PRESENT:	McGinley

Respectfully submitted, Lindsey Kaminsky Executive Assistant

Reviewed and approved, John A. Chereskin



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/27/20 07:00 PM
Department: Glen Ellyn Village Board
Department Head: Lindsey Kaminsky
Category: Appointment
Prepared By: Lindsey Kaminsky

SCHEDULED

AGENDA ITEM (ID # 4447)

DOC ID: 4447

**Designate Trustee Christiansen as Village President Pro-Tem for the
four month period from May through August 2020.**



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/27/20 07:00 PM
Department: Glen Ellyn Village Board
Department Head: Lindsey Kaminsky
Category: Appointment
Prepared By: Lindsey Kaminsky

SCHEDULED

AGENDA ITEM (ID # 4454)

DOC ID: 4454

Approve the Recommendation of Village President McGinley that the Following Appointments and Reappointments be made for Various Boards and Commissions: Board of Fire and Police Commissioners: Brendan Sheehy for a term ending May 31, 2023. Building Board of Appeals: Thomas Bredfeldt, Chair, for a term ending May 31, 2021; James McGinley for a term ending May 31, 2023; Amy Peterselli for a term ending May 31, 2023. Capital Improvements Commission: Steve Szymanski, Chair, for a term ending May 31, 2021; Arthur Foerster for a term ending May 31, 2023; Adam Biggman for a term ending May 31, 2023 Environmental Commission: David Meehan for a term ending May 31, 2022; Jennifer Umlauf for a term ending May 31, 2023; Jeff Abeln for a term ending May 31, 2023 Finance Commission: Matthew Halkyard, Chair, for a term ending May 31, 2021; Christopher Oaks for a term ending May 31, 2023; Lisa Cleaver for a term ending May 31, 2023; Jose DeLeon for a term ending May 31, 2023; Scott Greeno for a term ending May 31, 2023; Jeremy Van Ek for a term ending May 31, 2023 Historic Preservation Commission: Tim Loftus, Chair, for a term ending May 31, 2021; Nathan Darga for a term ending May 31, 2023; Kimberley Veum-Welsh for a term ending May 31, 2023; Phil Hartweg for a term ending May 31, 2023; Lisa Sallwasser for a term ending May 31, 2023 Plan Commission: Mary Loch, Chair, for a term ending May 31, 2021; Mohammad Saeed for a term ending May 31, 2023; Angela Fanella for a term ending May 31, 2023; Lloyd Berry for a term ending May 31, 2023; Laura Bromann Brown for a term ending May 31, 2023 Recreation Commission: Tim O'Shea, Chair, for a term ending May 31, 2021; Glen Graham for a term ending May 31, 2023 Zoning Board of Appeals: Gregory Constantino, Chair, for a term ending May 31, 2021



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/27/20 07:00 PM
Department: Glen Ellyn Village Board
Department Head: Lindsey Kaminsky
Category: Resolution
Prepared By: Lindsey Kaminsky

SCHEDULED

RESOLUTION 20-08

DOC ID: 4451

Resolution No. 20-08, A Resolution to Extend the Authority Granted to the Village President under Ordinance No. 6773 (Village Attorney Mathews)

On March 17, 2020, the Village Board approved an Ordinance granting the Village President emergency powers to address the COVID-19 disease as it enters our community. The Ordinance authorizes actions deemed necessary to protect the community from spread of the virus including actions such as convening and rescheduling meetings, arranging for employee accommodations to allow the continued performance of essential functions of the Village, and closing or altering the schedule in municipal buildings to promote social distancing in the community.

On March 23, 2020 the Village Board approved an Ordinance establishing and extending the temporary emergency powers granted to the Village President. The authority granted extends to the end of the next Regular Meeting (not Special Meetings) of the Board and at that time the Board may decide whether to extend or terminate the authority.

On April 13, 2020, the Board passed Resolution No. 20-15, ratifying Emergency Orders 2 and 3 and extending the authority granted to the Village President under Ordinance 6773 until the end of the Regular Meeting on April 27, 2020. Since then, no Emergency Orders have been issued.

Attached is a proposed Resolution extending the authority granted to the Village President. The proposed Resolution may be modified further in accordance with the Board's direction.

Village staff recommends approving this Resolution.

**Village of Glen Ellyn**

Resolution No. 20-08**A Resolution to Extend the Authority Granted to the Village President under Ordinance No. 6773**

WHEREAS, the Board of Trustees of the Village of Glen Ellyn passed Ordinance No. 6773 in response to the Declaration of Emergency related to the COVID-19 pandemic and authorized the Village President to take emergency actions to address the pandemic in accordance with state and federal law; and

WHEREAS, in light of the continuing state of emergency related to the COVID-19 pandemic, the Village Board deems it appropriate to extend the Authority granted under Ordinance 6773.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, as follows:

Section 1: The Village Board resolves that the Declaration of a State of Emergency shall continue and that the mayor's temporary extraordinary powers shall be extended until the conclusion of the next Regular Meeting of the Board of Trustees.

Section 2: That this Resolution shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois this _____ day of _____.

Ayes		Diane McGinley		Steve Thompson		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		Kelli Christiansen				
Nays		Diane McGinley		Steve Thompson		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		Kelli Christiansen				
Absent		Diane McGinley		Steve Thompson		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		Kelli Christiansen				

Approved by the Village President of the Village of Glen Ellyn, Illinois this _____ day of _____.

Diane McGinley, Village President

Attest:

Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the _____ day of _____, 20____.)



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/27/20 07:00 PM
Department: Glen Ellyn Village Board
Department Head: Lindsey Kaminsky
Category: Resolution
Prepared By: Lindsey Kaminsky

SCHEDULED

RESOLUTION 20-09

DOC ID: 4415

Resolution No. 20-09, A Resolution Initiating the Submission of a Public Referenda Question: Whether the Village of Glen Ellyn shall permit the Sale of Recreational Cannabis within Village Limits (Village Manager Franz)

Background.

On June 25, 2019, Governor Pritzker signed the Cannabis Regulation and Tax Act (CRTA) which legalizes the sale, possession and usage of cannabis for recreational purposes in limited quantities by persons 21 years and older, beginning January 1, 2020. The CRTA allowed municipalities to decide if they wish to allow adult-use cannabis businesses within their boundaries and enact reasonable zoning regulations for these businesses. While municipalities may regulate or ban cannabis businesses in their jurisdictions, they have no control over the State licensing process and cannot ban possession or consumption of cannabis products.

On October 10, 2019, the Plan Commission reviewed and discussed the proposed text amendments for adult-use cannabis businesses. On October 28, 2019, staff presented additional findings/research related to adult-use recreational cannabis businesses to the Village Board. Staff also presented the Plan Commission recommendation related to the proposed text amendments and the consensus statement provided by the Commission related to adult-use cannabis businesses in general. Following deliberations, the Village Board directed staff to draft an ordinance for consideration for a one-year moratorium on the sale of adult-use cannabis within the Village.

On November 12, 2019 Village Board meeting, the Village Board approved an Ordinance prohibiting the sale of adult-use cannabis in the Village for 1 year. Over the last few months, members of the community requested the Village Board consider developing an Advisory Referendum question to allow residents an opportunity to be heard on this topic, prior to any final decision by the Village Board.

Subject

Referendum Types

Illinois law allows two types of referendum on the ballot; binding and advisory. A binding referendum, if approved by a majority of the voters, has the effect of law and can only be used for matters specifically authorized by statute or the Constitution. An example of binding referenda propositions allowed by law is whether to impose term limits for Village Board members. Non-binding, or advisory, referenda propositions have no legal affect if passed by the voters, but are often used to gauge the opinion of the community on a public policy issue. A Village Board has specific statutory authority to place advisory referenda propositions concerning public policy on the ballot. An example of an appropriate advisory referendum proposition is whether the Illinois legislature should pass meaningful pension reform for public safety employees which some municipalities have done recently. The last advisory question that has been on the ballot in Glen

Ellyn was the Memorial Field lights question in 2012. The question of whether the Village of Glen Ellyn should allow the local retail sale of recreational cannabis would be advisory, non-binding referenda as a cannabis referenda is not specifically authorized by statute or the Constitution.

Placement on the Ballot

Referenda, either advisory or binding, can be placed on the ballot by one of two methods. The first method is initiated via a petition, whereby registered voters in sufficient numbers as required by law to sign a petition proposing a specific referenda proposition. The second method is via a resolution passed by a governing body. In the Village's case, the Village Board may place specific referenda propositions on the ballot by passing a resolution, by a simple majority, authorizing the placement of specific referenda propositions on the ballot.

Timeline for Placement on Ballot

To be eligible for inclusion on a ballot, governing bodies may adopt a resolution authorizing an advisory referendum not more than one year prior to a regularly scheduled election, but not less than 79 days before said election. The next regularly scheduled election is the November 3, 2020 general election. The Village Board, must adopt a resolution **after** November 3, 2019 and **on or before** August 16, 2020.

Other Advisor Referendum questions

The community group has requested the following verbiage: Shall the Village permit the sale of recreational cannabis within Village limits?

In researching this topic, we have found the following questions on ballots in other surrounding communities.

- Shall the City of Naperville, in light of state legislation legalizing the possession, consumption, and sale of recreational adult use cannabis, allow the sale of recreational adult use cannabis within its jurisdiction? (March Ballot)
- Shall the City of Northlake allow cannabis business to operate within the City of Northlake? (March Ballot)
- Should the sale of cannabis and cannabis products for recreational use by adults 21 and older be allowed at license dispensaries within the Town of Cicero? (March Ballot)
- Shall the Village of Rosemont allow cannabis dispensaries to operate within the boundaries of the Village of Rosemont? (March Ballot)
- Shall the Village of Lemont, in Counties of Cook, Will and DuPage, Illinois, allow the operation of a recreational cannabis (marijuana) dispensary within its jurisdiction? (March Ballot)

Resolution 20-09

Meeting of April 27, 2020

Action

The Village Board may accept this language or may edit the language of the proposition via Village Board consensus (simple majority) or elect to take no action (no referendum).

**Village of Glen Ellyn**

Resolution No. 20-09**A Resolution Initiating the Submission of a Public Referenda Question Whether the Village of Glen Ellyn shall permit the Sale of Recreational Cannabis within Village Limits**

Whereas, on June 25, 2019, Illinois Governor J.B. Pritzker signed into law the Cannabis Regulation and Tax Act (CRTA) legalizing and regulating the production, consumption, and sale of adult use cannabis in Illinois, effective January 1, 2020, and;

Whereas, the CRTA preserves local zoning authority and directly authorizes municipalities to prohibit or significantly limit the location of adult use cannabis business establishments by ordinance, and;

Whereas, at the November 12, 2019 Village Board meeting, the corporate authorities of the Village of Glen Ellyn passed an Ordinance establishing a moratorium on cannabis business establishments for one year, and;

Whereas, the Village of Glen Ellyn, DuPage County, of the State of Illinois is a duly constituted home rule public agency of the State of Illinois, and;

Whereas, the corporate authorities of the Village of Glen Ellyn have directed that a

referendum on whether the Village of Glen shall permit the sale of recreational cannabis within Village limits be placed on the November 3, 2020 general election ballot, and;

Whereas, pursuant to section 10 ILCS 5/28-1, et seq of the Illinois Election Code, the Village Board may place a referendum item on the ballot; and

Now therefore, be it resolved by the President and Village Board of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule authority, as allows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth in this Section.

SECTION 2: That, at the General Election, to be held on November 3, 2020, the following proposition shall be submitted to the voters of the Village of Glen Ellyn:

Shall the Village of Glen Ellyn permit the sale of recreational cannabis within Village limits?	YES	
	NO	

SECTION 3: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

SECTION 4: This Resolution shall be printed and published in pamphlet form by order of the Village Board of the Village of Glen Ellyn.

SECTION 5: The Village Clerk of the Village of Glen Ellyn is hereby authorized and directed to take all necessary actions to cause this Referendum to appear on the ballot for the General Election, to be held on November 3, 2020.

Resolution 20-09

Meeting of April 27, 2020

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois this _____ day of _____.

Ayes		Diane McGinley		Steve Thompson		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		Kelli Christiansen				
Nays		Diane McGinley		Steve Thompson		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		Kelli Christiansen				
Absent		Diane McGinley		Steve Thompson		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		Kelli Christiansen				

Approved by the Village President of the Village of Glen Ellyn, Illinois this _____ day of _____.

Diane McGinley, Village President

Attest:

Village Clerk

AFFIX VILLAGE SEAL

Resolution 20-09

Meeting of April 27, 2020

(Published in pamphlet form and posted on the _____ day of _____, 20____.)



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/27/20 07:00 PM
Department: Public Works
Department Head: Julius Hansen
Category: Contract
Prepared By: Steve Warner

SCHEDULED

AGENDA ITEM (ID # 4449)

DOC ID: 4449

Motion to Authorize the Village Manager to Execute a Contract with AC Concrete Construction of Carpentersville, Illinois in the Amount of \$402,800 for the 2020 Sidewalk and Concrete Street Repair Program to be Expensed to the Capital Projects Fund and Water and Sanitary Sewer Fund (Professional Engineer Daubert)

INTRODUCTION

The purpose of this memorandum is to provide a recommendation for the award of a construction contract for the 2020 Sidewalk and Concrete Street Repair Program in the Village of Glen Ellyn. Staff is recommending award to AC Concrete Construction of Carpentersville, Illinois in the amount of \$402,800. All inspection and construction engineering services required for the project will be completed in-house by Engineering Division staff.

BACKGROUND

Program Scope

The Village conducts an annual sidewalk rehabilitation program that addresses trip hazards and other defects identified throughout the previous year, as well as the installation of new sidewalks, when planned for construction. In addition to sidewalk, the program includes repairs to the Village's concrete streets, damaged curbs, utility dig repairs, and other miscellaneous items. The 2020 repair program is anticipated to include approximately 100 repair locations involving approximately 13,000 square feet of sidewalk replacement, 2,500 square yards of concrete roadway patching, and 500 feet of curb replacement. A location map for candidate repairs is attached for reference. Additional corridors to be inspected for concrete pavement repairs include Main Street, Hill Avenue, Kenilworth Avenue, and Western Avenue.

Bidding Process

The project was advertised for bid in the Daily Herald on April 7, 2020. Bid documents were distributed to eleven (11) contractors and three (3) companies specializing in preconstruction management services. Five (5) bid proposals were received and opened via an online webcast on April 17, 2020. Bid tabulations were completed by staff and a summary of the as-calculated bids follows:

Bidder	Total Bid*
AC Concrete Construction, Carpentersville, IL	\$402,800
Schroeder & Schroeder, Skokie, IL	\$407,392
DiNatale Construction, Addison, IL	\$460,002
A Lamp Concrete Contractors, Schaumburg, IL	\$535,647
Davis Concrete Construction, Monee, IL	\$545,153

Engineer's Estimate (Glen Ellyn)	\$435,675
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*Bid amounts are rounded to nearest dollar

It should be noted that unit pricing for key items such as sidewalk replacement were approximately 6% lower, and concrete roadway patching was as much as 18% lower (dependent on size), than in 2019.

Contractor Background and References

The low, responsible and responsive bidder for the project is deemed to be AC Concrete Construction of Carpentersville, Illinois. AC Concrete is a smaller contractor with more private work experience that is currently trying to grow into more municipal work. Since the Village (and staff) has not worked with this contractor before, staff had a positive discussion with the AC Concrete president regarding their capability to successfully complete this project. References were also thoroughly checked, showing successful completion of similar sized private work and smaller public projects with no issues. As a result, staff is now reasonably confident that this project can be successfully completed by AC Concrete.

Construction Schedule

Construction is anticipated to commence by early June and required to be completed by August 7 (while avoiding work before or during potential Fourth of July activities).

BUDGET IMPACT

The annual sidewalk and concrete street repair program is typically funded by a combination of capital project and water/sewer restoration monies. The Capital Project Fund contains annual project elements for Sidewalk Improvements and Concrete Street Patching. The Water and Sanitary Sewer Funds also contain annual elements for concrete restoration expenses associated with Village utility repairs. Resulting funding options for the 2020 contract are included in the following table:

2020 Sidewalk and Concrete Street Repair Program Recommended Funding for Construction				
Project Item	Funding Source	Account No.	Originally Budgeted (CY-20)	Recommended Funding*
2020 Concrete Street Patching	Capital Project Fund	40000-520990	\$550,000	\$225,000
2020 Sidewalk Improvements	Capital Project Fund	40000-580155	\$210,000	\$141,800
Concrete Restoration Contract	Water Fund	50100-520985	\$18,000	\$18,000
Concrete Restoration Contract	Sanitary Sewer Fund	50200-520985	\$18,000	\$18,000
Total Funding			\$796,000	\$402,800

* Recommended contract funding is consistent with the suggested COVID-19 budget deferral amounts for capital projects provided to the Finance and Capital Improvements Commissions in early April (attached).

STRATEGIC PLAN INITIATIVES

The project fulfills the following Village of Glen Ellyn Strategic Initiative:

Strategic Issue I: INFRASTRUCTURE. Invest in infrastructure to meet key needs, including downtown accessibility, Village facilities, streets, utility, and technology improvements.

RECOMMENDATION AND ACTION REQUESTED

Engineering staff recommends the Village Board of Trustees make and approve the following motion at the April 27, 2020 Village Board Meeting:

Motion to authorize the Village Manager to execute a contract with AC Concrete Construction of Carpentersville, Illinois in the amount of \$402,800 for the 2020 Sidewalk and Concrete Street Repair Program to be expensed to the Capital Projects, Water, and Sanitary Sewer Funds.

Engineering staff can answer any questions regarding the project in advance of the April 27, 2020 Village Board of Trustees Meeting.

ATTACHMENTS

- COVID-19 Recommended Budget Deferrals Exhibit
- Project Location Map

ATTACHMENTS:

- COVID-19 Recommended Budget Deferrals Exhibit (PDF)
- Project Location Map (PDF)

COVID-19 Capital Projects Expenditures and Deferrals

Capital Projects Fund

Account	Project	Recommendation	Amount Budgeted	Expend	Defer	Justification for Action
40000-520990	Asphalt Roadway Cracksealing	Proceed With Reserve	\$25,000	\$15,000	\$10,000	Preserve Recently Paved Streets From Deterioration With Focus On North Park Boulevard & Main Street
40000-520990	Asphalt Roadway Surface Treatments	Defer	\$25,000	\$0	\$25,000	Candidate Streets Paved Last Fall And Can Be Deferred To 2021 Without Significant Immediate Consequence
40000-520990	Asphalt Street Patching	Proceed With Reserve	\$200,000	\$180,000	\$20,000	Project Addresses Localized Issues And Buys Time In Terms Of Next Needed Street Rehabilitation
40000-520990	Concrete Street Patching	Proceed With Reserve	\$550,000	\$250,000	\$300,000	Project Addresses Localized Issues; Program Reduced To Focus On Higher Volume And More Severely Deteriorated Pavement Panels
40000-521055	Engineering Software	Proceed With Reserve	\$6,500	\$4,214	\$2,286	Shared License Procured To Still Allow In-House Design But At Reduced Cost
40000-580100	Misc. Expenses	Proceed With Reserve	\$15,000	\$10,000	\$5,000	Services Primarily Related To Technical Assistance With Grant Applications (Traffic Counts, Drawing Prep, Etc.)
40000-580100	Misc. Storm Sewer Improvements	Proceed With Reserve	\$50,000	\$25,000	\$25,000	Program Focuses On Addressing Drainage Hazards In ROW (Sump Pumps Causing Sidewalk/Street Hazards Such As Ice). Program Reduced To Focus On More Critical Needs.
40000-580100	NPDES Permit	Proceed As Planned	\$1,000	\$1,000	\$0	Mandatory Annual Expenditure Allowing Stormwater/Stormwater Maintenance/Construction Activity (With Complimentary NOI As Required) Related Discharges
40000-580100	Development Capital Improvements	Proceed As Planned	\$200,000	\$200,000	\$0	Already Committed To (Avere on Duane)
40000-580100	Street Lighting Improvements/Replacements	Proceed As Planned	\$26,000	\$26,000	\$0	Essential Pole Replacements
40000-580100	Taft Avenue Street Lighting	Proceed As Planned	\$0	\$50,000	-\$50,000	Requested Safety Improvement
40000-580100	McKee House		\$75,000	\$0	\$75,000	
40000-580100-16016	Metra Station Phase II Eng.	Proceed As Planned	\$500,000	\$100,000	\$400,000	Maintain Steady Progress On Engineering; Reduced Expenditure Due To Starting Phase II Later In Calendar Year
40000-580155	Sidewalk Improvements	Proceed With Reserve	\$210,000	\$150,000	\$60,000	Program Focuses On Addressing Sidewalk Defects To Protect Pedestrians And Reduce Liability. Program Reduced To Focus On More Critical Needs And Defer New Construction Sidewalks On Western & High
40000-580160	Pavement Condition Index Survey	Defer	\$35,000	\$0	\$35,000	Power Planning Tool But Can Update PCI Inventory And Street Plan In 2021 Without Significant Immediate Consequence
40000-580160-00511	Hill Avenue Water & Sewer Extensions	Defer	\$200,000	\$0	\$200,000	Engineering Still Underway; 2021 Better Timeline For Construction; Lombard Still Committed To Funding 60% Toward Water Main Improvements If Project Completed In 2021
40000-580160-15006	CBD Utility and Streetscape Imp. Design Engineering	Proceed As Planned	\$800,000	\$800,000	\$0	Continue Engineering To Get Project Ready For Construction
40000-580160-19009	Cumnor Avenue Utility Improvements	Proceed With Reserve	\$105,000	\$105,000	\$0	Engineering Near Complete And Project Ready For Construction; Proceed With Caution If Residents Still Committed To Annexing And Partially Funding Project
40000-580160-20001	Street Reconstruction Program	Defer	\$4,817,641	\$152,036	\$4,665,605	Complete Engineering But Given Streets Are Being Reconstructed, Preservation Of Pavement Base Not Critical And Project Can Be Deferred
40000-580160-20002	Street Resurfacing Program	Proceed As Planned	\$1,359,057	\$1,359,057	\$0	Streets Inherited From Township In 2015 And Are Severely Deteriorated And In Need Of Imminent Rehabilitation
TOTAL CAPITAL			\$9,200,198	\$3,427,307	\$5,772,891	

Water Fund

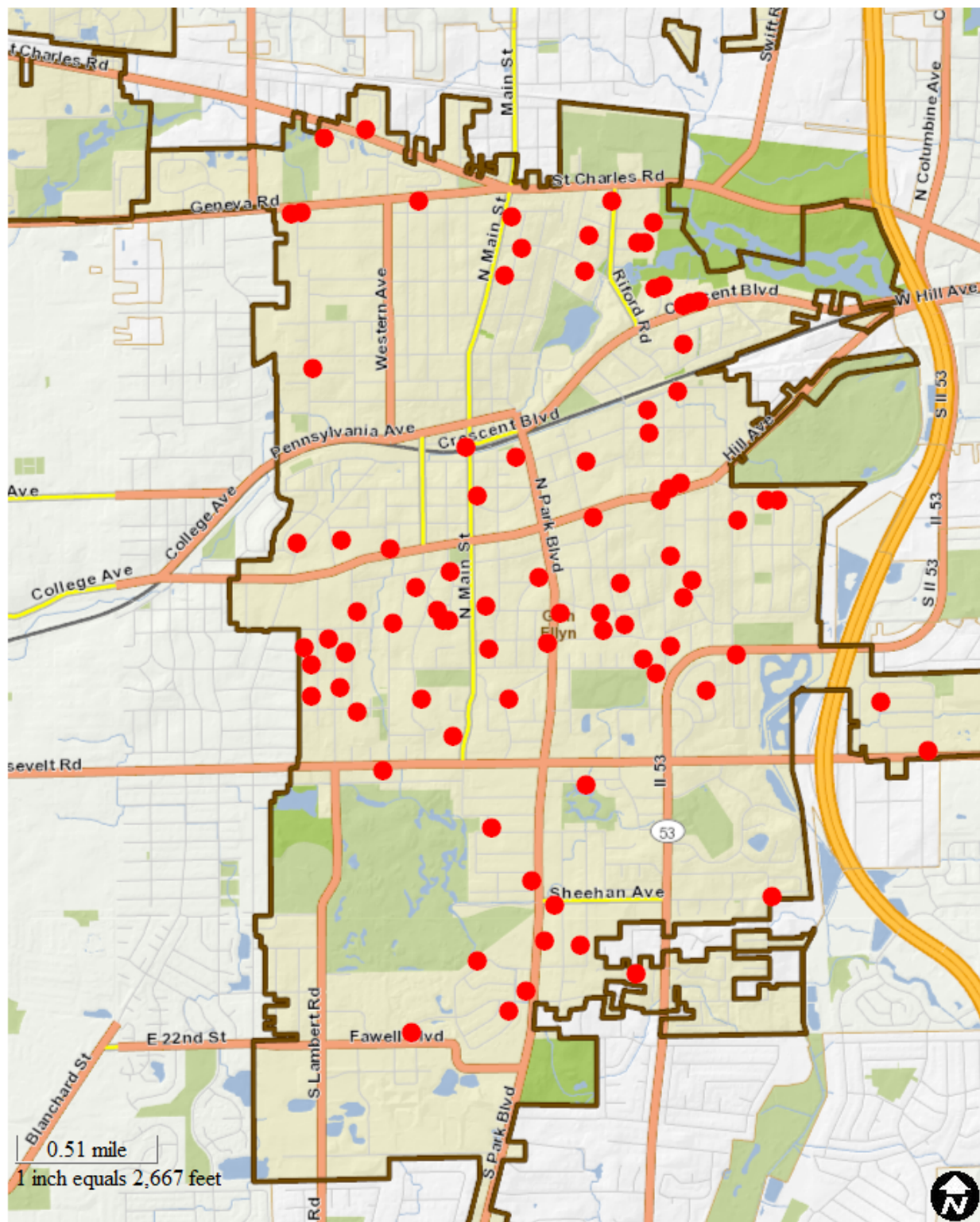
50100-580100	Street Repairs	Proceed As Planned	\$18,000	\$18,000	\$0	Pavement Repairs Required For Utility Digs
50100-580100	IL American Water Interconnect	Proceed As Planned	\$0	\$39,380	-\$39,380	Engineering Still Underway; 2021 Better Timeline For Construction; Lombard Still Committed To Funding 60% Toward Water Main Improvements If Project Completed In 2021
50100-580100-00511	Hill Avenue Water Main Ext.	Defer	\$710,000	\$0	\$710,000	
50100-580100-16005	CBD Utility Imp. Design	Proceed As Planned	\$150,000	\$150,000	\$0	Continue Engineering To Get Project Ready For Construction
50100-580100-16015	Route 53 Water Main Lining	Defer	\$1,000,000	\$0	\$1,000,000	Engineering Not Complete; 2021 Better Timeline For Construction
50100-580100-19009	Cumnor Avenue Water Main Ext.	Proceed As Planned	\$160,000	\$160,000	\$0	Engineering Near Complete And Project Ready For Construction; Proceed With Caution If Residents Still Committed To Annexing And Partially Funding Project
50100-580100-20001	2020 Street Reconstruction Program	Defer	\$2,391,581	\$63,348	\$2,328,233	Complete Engineering But Given Streets Are Being Reconstructed, Preservation Of Pavement Base Not Critical And Project Can Be Deferred
TOTAL WATER			\$4,429,581	\$430,728	\$3,998,853	

Sanitary Sewer Fund

50200-580100	Street Repairs	Proceed As Planned	\$18,000	\$18,000	\$0	Pavement Repairs Required For Utility Digs
50200-580100-00511	Hill Avenue Sewer Main Ex.	Defer	\$500,000	\$0	\$500,000	Engineering Still Underway; 2021 Better Timeline For Construction; Lombard Still Committed To Funding 60% Toward Water Main Improvements If Project Completed In 2021
50200-580100-16005	CBD Utility Imp. Design	Proceed As Planned	\$150,000	\$150,000	\$0	Continue Engineering To Get Project Ready For Construction
50200-580100-18006	Sewer Lining	Proceed As Planned	\$500,000	\$628,592	-\$128,592	Project Awarded And Involves Rehabilitation Of Critical Sewer Infrastructure
50100-580100-19009	Cumnor Avenue Sewer Main Ex.	Proceed As Planned	\$175,000	\$175,000	\$0	Engineering Near Complete And Project Ready For Construction; Proceed With Caution If Residents Still Committed To Annexing And Partially Funding Project
50200-580100-20001	2020 Street Reconstruction Program	Defer	\$1,570,150	\$38,009	\$1,532,141	Complete Engineering But Given Streets Are Being Reconstructed, Preservation Of Pavement Base Not Critical And Project Can Be Deferred
50200-580100-20002	2020 Street Resurfacing Program / Var. Point Repairs	Proceed As Planned	\$320,894	\$320,894	\$0	More Immediate Needed Repairs
TOTAL SEWER			\$3,216,044	\$1,312,495	\$1,903,549	
TOTAL ACROSS CAPITAL, WATER, SEWER			\$16,845,823	\$5,170,530	\$11,675,293	



2020 Preliminary Repair Locations



Map created on April 7, 2020.

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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/27/20 07:00 PM
Department: Glen Ellyn Village Board
Department Head: Lindsey Kaminsky
Category: Ordinance
Prepared By: Lindsey Kaminsky

SCHEDULED

ORDINANCE 6779

DOC ID: 4453

Ordinance No. 6779-VC, An Ordinance to Amend the Glen Ellyn Municipal Code, to Replace Title 8, Chapter 6- Construction of Utility Facilities in Rights-of-Way, by Amending and Adding Certain Provisions to Chapter 6

Background

For several months, staff has been reviewing various changes needed to the Village code to address industry changes in cellular infrastructure. The Village has also received requests from various residents and community members expressing concerns about the new 5G cellular technology and infrastructure. Staff has researched those complaints and taken them into consideration in preparing the Village Code changes explained in this memo.

Summary of Significant Proposed Code Changes

The Village will be considering amendments to our Municipal Code relating to permit applications for small cell wireless facilities at our Board Meeting set for April 27, 2020. Staff is proposing amendments containing additional and stronger requirements to add to the existing code, many of which mirror those recently adopted in Western Springs and Barrington. These include NEPA environmental review for those non-exempt new applications and for applications for modifications to existing facilities, distancing from schools, certification of compliance with applicable FCC regulations concerning radio frequency emission levels at various angles from the transmitter, and insurance certificates. The amendments also grant the right to the Village to revoke permits for non-compliance with the Village Code or failure to comply with FCC regulations on radio frequency emissions, and for failure to conduct testing of those emissions upon the request of the Village. Additionally, the amendments set fines for violations.

We currently regulate the construction of all utilities in the rights of way in the Village under Chapter 6-Construction of Utility Facilities in Rights-of-Way. (8-6-1 et seq.) Significant changes to sections 8-6-4, 8-6-11, 8-6-15 and 8-6-20 include the following:

The Village will require that an environmental assessment shall be submitted in accordance with the FCC under 47 CFR § 1.1307 - ACTIONS THAT MAY HAVE A SIGNIFICANT ENVIRONMENTAL EFFECT, FOR WHICH ENVIRONMENTAL ASSESSMENTS (EAs) MUST BE PREPARED, for new communications facilities, and for existing communications facilities to which modifications to existing antennas or associated equipment is proposed, unless the facility and transmitter are granted exemptions by the FCC. 8-6-4 (D), (6), (k)

Before a permit is issued, a written affidavit must be submitted and signed by a radio frequency engineer certifying the communications facility's compliance with applicable Federal Communications Commission (FCC) rules and regulations relative to radio frequency emissions, as well as technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC, as well as a monitoring plan. 8-6-4 (D), (I)

We will require testing within 30 days of installation, and then quarterly, reports showing continuing compliance with FCC radio frequency emission limits including field testing at various points around the communications facility. 8-6-20 (E), (F), and (G)

We will be authorized to revoke a permit if the communications facility is found to have been in violation of FCC radio frequency emission standards and the Telecommunications Provider, after becoming aware of such violation, fails to shut-down or otherwise cure the violation within three (3) calendar days. Additionally, the amendments declare that facilities which exceed FCC radio frequency emissions are a public nuisance which may be summarily abated by the Village and fines assessed. 8-6-11 (A), 8-6-20 (F)

We will require camouflaging in the downtown business districts and historical areas of town. 8-6-15 (H) (3)

We will prohibit wireless facilities from being located closer than 300 feet from a school. 8-6-15 (A) (6) (d) (1)

Copies of redlined and clean versions of the proposed code changes are attached to this memorandum.

Action Requested

Staff recommends approval of the proposed amendments to the Municipal Code to address small wireless facilities deployment with a motion made subject to attorney approval.



Village of Glen Ellyn

Ordinance No. 6779-VC

**An Ordinance to Amend the Glen Ellyn Municipal Code, to
Replace Title 8, Chapter 6- Construction of Utility Facilities in
Rights-of-Way, by Amending and Adding Certain Provisions to
Chapter 6**

**Adopted by the
President and the Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
This _____ Day of _____, 20__.**

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County, Illinois,
this _____ day of _____, 20__.

**PREPARED BY AND MAIL TO:
VILLAGE OF GLEN ELLYN
ATTN: VILLAGE CLERK
535 DUANE STREET**

Ordinance 6779

Meeting of April 27, 2020

GLEN ELLYN, IL 60137

Ordinance No. 6779-VC**An Ordinance to Amend the Glen Ellyn Municipal Code, to
Replace Title 8, Chapter 6- Construction of Utility Facilities in
Rights-of-Way, by Amending and Adding Certain Provisions to
Chapter 6**

Whereas, the Village of Glen Ellyn uses the public rights-of-way within its Village limits to provide essential public services to its residents and businesses and the public rights-of-way are a limited public resource owned by the Village for the benefit of its citizens, and the Village has a custodial duty to ensure that the public rights-of-way are used, repaired and maintained in a manner that best serves the public interest; and

Whereas, the Illinois Municipal Code authorizes municipalities to regulate use of and construction in all the rights-of-way in the Village, and in particular the use of public rights-of-way by utilities, by enacting uniform standards to address issues presented by utility facilities in accordance with state and federal law, in the exercise of its home rule and police powers; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn deem it to be in the best interest of the Village to periodically review and strengthen its authority and ability to act in the public interest to protect the health and welfare of its citizens, while at the same to conform the existing Municipal Code with State and Federal law; and

Whereas, the Village Board recognizes that small wireless facilities are critical to delivering wireless access to advanced technology, and 9-1-1 services, to homes, businesses and schools, and wireless technology plays an integral role in the economic vitality of the Village and State, but at the

same time recognizes that citizens have brought concerns before the legislature and Board as to the safety of the technology; and

Whereas, the Village Board finds that the authority granted to municipalities to regulate the deployment of small wireless facilities in the municipal rights-of-way has been limited by the Small Wireless Facilities Deployment Act, 50 ILCS 835/1 et seq., which states that a home rule municipality may not prohibit the deployment of small wireless facilities in the rights-of-way or regulate small wireless facilities in a manner inconsistent with the Act; and

Whereas, the President and Board of Trustees have determined that it is in the best interest of the Village to amend the Glen Ellyn Municipal Code, and amend Chapter 6 of Title 8, of the Glen Ellyn Municipal Code.

Now, therefore be it ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: The findings of fact and conclusions set forth hereinabove are hereby adopted by the President and Board of Trustees as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Chapter 6 of Title 8, of the Glen Ellyn Municipal Code is hereby amended by enacting a new Chapter 6, a copy of which is attached to this Ordinance and incorporated herein, titled Construction of Utility Facilities in Rights-of-Way, a copy of said Amendment to Chapter 6 of Title 8 being attached hereto and made a part hereof.

Section Three: This Ordinance shall be in full force and effect following its passage, approval, and publication in pamphlet form.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois this _____ day of _____.

Ayes		Diane McGinley		Steve Thompson		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		Kelli Christiansen				
Nays		Diane McGinley		Steve Thompson		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		Kelli Christiansen				
Absent		Diane McGinley		Steve Thompson		Mark Senak
		Craig Pryde		Bill Enright		Gary Fasules
		Kelli Christiansen				

Approved by the Village President of the Village of Glen Ellyn, Illinois this _____ day of _____.

Village President

Attest:

Village Clerk

AFFIX VILLAGE SEAL

(Published in pamphlet form and posted on the _____ day of _____, 20____.)

Ordinance 6779

Meeting of April 27, 2020

ATTACHMENTS:

- Title 8 - Chapter 6 - Construction of Utility Facilities in Rights-of-Way Red Line Version (PDF)
- Title 8 - Chapter 6 - Construction of Utility Facilities in Rights-of-Way clean (PDF)

Chapter 6 - CONSTRUCTION OF UTILITY FACILITIES IN RIGHTS-OF-WAY

8-6-1. - Purpose and scope.

- (A) *Purpose* : The purpose of this chapter is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.
- (B) *Intent* : In enacting this chapter, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including, without limitation:
1. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
 2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 3. Prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or on public property;
 4. Protect against environmental damage, including damage to trees, from the installation of utility facilities;
 5. Protect against increased storm water runoff due to structures and materials that increase impermeable surfaces;
 6. Preserve the character of the neighborhoods in which facilities are installed;
 7. Preserve open space, particularly the tree lined parkways that characterize the Village's residential neighborhoods;
 8. Prevent visual blight from the proliferation of facilities in the rights-of-way; and
 9. Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.
- (C) *Facilities subject to this chapter* : This chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.
- (D) *Franchises, licenses, or similar agreements*: The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this chapter.
- (E) *Effect of franchises, licenses, or similar agreements* :
1. *Utilities other than telecommunications providers* : In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
 2. *Telecommunications providers* : In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

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- (F) *Conflicts with other chapters* : This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- (G) *Conflicts with state and federal laws* : In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the utility shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.
- (H) *Sound engineering judgment* : The Village shall use sound engineering judgment when administering this chapter and may vary the standards, conditions, and requirements expressed in this chapter when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-2. - Definition.

As used in this chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it in 92 Illinois Administrative Code Section 530.30, unless the context clearly requires otherwise.

AASHTO: American Association of State Highway and Transportation Officials.

ANSI: American National Standards Institute.

ASTM: American Society for Testing and Materials.

APPLICANT: A person applying for a permit under this chapter.

BACKFILL: The methods or materials for replacing excavated material in a trench or pit.

BORE OR BORING: To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

CABLE OPERATOR: That term as defined in 47 USC 522(5).

CABLE SERVICE: That term as defined in 47 USC 522(6).

CABLE SYSTEM: That term as defined in 47 USC 522(7).

CARRIER PIPE: The pipe enclosing the liquid, gas or slurry to be transported.

CASING: A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

CLEAR ZONE: The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a nonrecoverable slope, and a clear run out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO "Roadside Design Guide".

COATING: Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

CODE: The municipal code of the Village of Glen Ellyn.

COMMUNICATIONS FACILITY: A Utility facility consisting of wireless communication equipment and antennas for the purpose of providing wireless communication service.

CONDUCTOR: Wire carrying electrical current.

CONDUIT: A casing or encasement for wires or cables.

CONSTRUCTION OR CONSTRUCT: The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

COVER: The depth of earth or backfill over buried utility pipe or conductor.

CROSSING FACILITY: A facility that crosses one or more right-of-way lines of a right-of-way.

DIRECTOR OF PUBLIC WORKS: The Village Director of Public Works or his or her designee.

DISRUPT THE RIGHT-OF-WAY: For the purposes of this chapter, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

EMERGENCY: Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

ENCASEMENT: Provision of a protective casing.

ENGINEER: The Village Engineer or his or her designee.

EQUIPMENT: Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

EXCAVATION: The making of a hole or cavity by removing material, or laying bare by digging.

EXTRA HEAVY PIPE: Pipe meeting ASTM standards for this pipe designation.

FACILITY: All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this chapter. For purposes of this chapter, the term "facility" shall not include any facility owned or operated by the Village.

FREESTANDING FACILITY: A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

FRONTAGE ROAD: Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

HAZARDOUS MATERIALS: Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village Director of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

HIGHWAY: A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

HIGHWAY CODE: The Illinois Highway Code, 605 Illinois Compiled Statutes 5/1-101 et seq., as amended from time to time.

HOLDER: A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois cable and video competition law, 220 Illinois Compiled Statutes 5/21-401.

ICC: Illinois Commerce Commission.

IDOT: Illinois Department of Transportation.

JULIE: The joint utility locating information for excavators' utility notification program.

JACKING: Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

JETTING: Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

JOINT USE: The use of pole lines, trenches or other facilities by two or more utilities.

MAJOR INTERSECTION: The intersection of two or more major arterial highways.

OCCUPANCY: The presence of facilities on, over or under right-of-way.

PARALLEL FACILITY: A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

PARKWAY: Any portion of the right-of-way not improved by street or sidewalk.

PAVEMENT CUT: The removal of an area of pavement for access to a facility or for the construction of a facility.

PERMITTEE: That entity to which a permit has been issued pursuant to sections 8-6-4 and 8-6-5 of this chapter.

PETROLEUM PRODUCTS PIPELINES: Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal slurry.

PRACTICABLE: That which is performable, feasible or possible, rather than that which is simply convenient.

PRESSURE: The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

PROMPT: That which is done within a period of time specified by the Village. If no time period is specified, the period shall be 30 days.

PUBLIC ENTITY: A legal entity that constitutes or is part of the government, whether at local, state or federal level.

RESTORATION: The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

RIGHT-OF-WAY OR RIGHTS-OF-WAY: Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. "Right-of-way" or "rights-of-way" shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village

buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

ROADWAY: That part of the highway that includes the pavement and shoulders.

SALE OF TELECOMMUNICATIONS AT RETAIL: The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SECURITY FUND: That amount of security required pursuant to section 8-6-10 of this chapter.

SHOULDER: A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

SOUND ENGINEERING JUDGMENT: A decision(s) consistent with generally accepted engineering principles, practices and experience.

TELECOMMUNICATIONS: This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated nontraffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end to end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the cable communications act of 1984 (47 USC section 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the rules of the federal communications commission (47 CFR section 76.1500 and following), as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER: Any person [or entity](#) that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER: Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

TRENCH: A relatively narrow open excavation for the installation of an underground facility.

UTILITY: The individual or entity owning or operating any "facility" as defined in this chapter.

UTILITY POLE: A post structure owned or operated by a public utility or a municipality that is designed specifically to support overhead lines, cables or wires for the distribution of electricity, telecommunications, cable, fiber optics, and related equipment such as transformers, and street lights.

VENT: A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

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VIDEO SERVICE: That term as defined in Section 21-201 (v) of the Illinois Cable and Video Competition Law of 2007, 220 Illinois Compiled Statutes 21-201(v).

VILLAGE: The Village of Glen Ellyn.

WATER LINES: Pipelines carrying raw or potable water.

WET BORING: Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-3. - Annual registration/certification required.

(A) Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Director of Public Works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24 hour telephone number for each such person, and evidence of insurance as required in section 8-6-8 of this chapter, in the form of a certificate of insurance.

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(B) Each year on July 1, all Telecommunications Providers shall submit an affidavit to the Village which shall list, by location, all communications facilities it owns within the Village, and shall certify (1) each such installation remains in use; (2) such in-use facility remains covered by required insurance; and (3) each such installation which is no longer in use. Any communications facility that is no longer in use shall be removed by the Telecommunications Provider within thirty (30) calendar days of delivery of the affidavit.

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(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-4. - Permit required; applications and fees.

(A) Permit required : No person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which: 1) changes the location of the facility, 2) adds a new facility, 3) disrupts the right-of-way (as defined in this chapter), or 4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Village Director of Public Works and obtaining a permit from the Village therefor, except as otherwise provided in this chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

1. In the case of construction of a communications facility:

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- (a) Building, electric and work in parkway or right-of-way permit applications shall be filed with the Village Community Development Department. A single application shall propose work, new or modification, to no more than one communications facility.
- (b) A permit shall be required for any tree trimming required for the installation or maintenance of a communications facility.
- (c) In the event that an existing utility pole is to be replaced as part of the construction of a communications facility, the owner of the existing utility pole shall provide written authorization for the communications facility licensee to perform the work or secure a separate permit to perform work within the public right-of-way.

(d) —In the event that new utility wires or cables need to be routed to the existing utility pole to service the communications facility, that work must be included on the permit submittal drawings or a separate permit to perform work within the public right-of-way must be secured.

(e) —Modifications performed to an existing communications facility shall require new permits to be issued by the Village.

(f) Modifications performed to an existing communications facility that result in additional dead load of equipment or antennas, an increase in the number of antennas, or an increase in the exposed surface area of equipment and/or antennas shall require a structural analysis of the utility pole subjected to the modifications to be submitted to the Village for review and approval.

(B) —*Permit application* : All applications for permits pursuant to this chapter shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(C) —*Minimum general application requirements* : The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

1. The utility's name and address and telephone and telecopy numbers;
2. The applicant's name and address, if different than the utility, its telephone and telecopy numbers, e-mail address, and its interest in the work;
3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
5. Evidence that the utility has placed on file with the Village:
 - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the "Illinois Manual On Uniform Traffic Control Devices," to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the Village finds that additional information or assurances are needed;
6. Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
7. Evidence of insurance as required in section 8-6-8 of this chapter;
8. Evidence of posting of the security fund as required in section 8-6-10 of this chapter;
9. Any request for a variance from one or more provisions of this chapter (see section 8-6-21 of this chapter); and
10. Such additional information as may be reasonably required by the Village.

(D) *Supplemental application requirements for specific types of utilities* : In addition to the requirements of subsection (C) of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

1. In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
3. In the case of water lines, indicate that all requirements of the Illinois environmental protection agency, division of public water supplies, have been satisfied;
4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Metropolitan Water Reclamation District or other local or state entities with jurisdiction, have been satisfied; or
5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
6. In the case of communications facilities the following minimum items of information shall be submitted as an attachment to the permit application. Additional information may be required to be submitted as deemed necessary upon completion of the initial plan review.

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- (a) ~~Indication of pole ownership.~~
- (b) Letter of authorization from the utility that owns the pole, if pole is not owned by the Village.
- (c) Letter of authorization from the electric utility approving location of the equipment and antennas with respect to location of existing power lines.
- (d) List of other utility services to be installed or connected to which are required to support the facility.
- (e) Drawings prepared by an ~~appropriate Illinois licensed design professional~~ **structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, to** indicate the following information:

- (1) Geographic coordinates of the proposed facility;
- (2) Ground elevation at base of utility pole;
- (3) Site plan indicating all structures, surface features and trees within 100 feet of the utility pole location;
- (4) Equipment and antenna plans, elevations and details as required to fully describe all equipment, equipment cabinets, equipment shelters, antennas, wiring, cabling, conduits, cable covers, etc. that comprise the communications facility;
- (5) Elevation views of utility pole, all equipment and antennas;
- (6) Proposed color of exposed surfaces of equipment, cable covers and antennas;
- (7) Grounding system design;
- (8) Lightning protection design, if provided;
- (9) Pole design and specification for replacement pole, if required;
- (10) Utility pole extension system, if required;
- (11) ~~Point of utility demarcation(s);~~

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- (12) ~~Proximity of other utilities supported by utility pole to proposed equipment and antennas;~~
 - (13) Radio frequency safety signage;
 - (14) Single-line electric distribution diagram;
 - (15) Structural supports for equipment and antennas;
 - (16) Utility connection requirements including point of connection to each;
 - (17) Vertical height from grade to top of antennas;
 - (18) Vertical height from grade to top of existing or replacement utility pole;
 - (19) Vertical height from grade to underside of all equipment supported by utility pole;
 - (20) Tree protection measures in accordance with the Village of Glen Ellyn Arboricultural Specifications Manual;
 - (21) Provisions for landscaping and site restoration.
- (f) Photograph of the existing utility pole and surrounding site taken from the street and facing the nearest residential structures on same side of the street as the utility pole.
- (g) Specifications of all equipment and antennas.
- (h) ~~Structural analysis of existing or replacement pole, including analysis of pole and its embedment length under existing plus proposed loads.~~
- (i) Coverage gap maps indicating the location of all nearby communications facilities, areas of coverage and lack thereof, location of proposed site, location of alternative site(s), number of customers anticipated to be served by the proposed facility versus those served by adjacent facilities and any other information deemed necessary to prove a need for a facility at the proposed location.
- (j) For existing communications facilities, proof that the proposed work does not substantially change the physical dimensions of the facility.
- (k) Environmental assessment: An environmental assessment shall be submitted in accordance with 47 CFR § 1.1307 - ACTIONS THAT MAY HAVE A SIGNIFICANT ENVIRONMENTAL EFFECT, FOR WHICH ENVIRONMENTAL ASSESSMENTS (EAs) MUST BE PREPARED, for new communications facilities, and for existing communications facilities to which modifications to existing antennas or associated equipment is proposed.
- Exception: For communications facilities, modifications, operations and transmitters that are not required to submit an environmental assessment in accordance with 47 CFR 1.1307, a written certification signed by an officer or agent of the communications company shall be submitted with an itemized accounting with supporting documentation indicating why the proposed facility, modification, operations and transmitters is exempt from the submittal of an environmental assessment.
- (l) A written affidavit signed by a radio frequency engineer certifying the communications facility's compliance with applicable Federal Communications Commission (FCC) rules and regulations relative to radio frequency emissions, as well as technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC, as well as a monitoring plan for the applicant's facility capable of tracking and recording the daily amounts or levels of radio frequency emissions produced by the equipment, in order to verify on an ongoing basis that the communications facility will not exceed applicable FCC rules and regulations.
- (m) For ground-mounted facilities, a landscape plan prepared and sealed by an Illinois licensed Landscape Architect shall be submitted. Such plan shall indicate screening of the proposed

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equipment around the perimeter of the site with approved deciduous and coniferous planting materials. The Telecommunications Provider shall be responsible for maintenance of all landscaping as provided in the approved landscape plan.

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- (F) *Application fees* : Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this chapter shall be accompanied by a fee based on the existing right-of-way permit fee schedule. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017; Ord. 6674, 2-25-2019)

8-6-5. - Action on permit application.

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- (A) *Village review of permit applications* : Completed permit applications, containing all required documentation, shall be examined by the Village Director of Public Works within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the Village Director of Public Works shall reject such application in writing, stating the reasons therefor. If the Village Director of Public Works is satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules, and regulations, the Village Director of Public Works shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Village Director of Public Works, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.
- (B) *Additional Village review of applications of telecommunications retailers* :
1. Pursuant to Section 4 of the Telephone Company Act, 220 Illinois Compiled Statutes 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than ten days prior to the commencement of work requiring no excavation and not less than 30 days prior to the commencement of work requiring excavation. The Village Director of Public Works shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.
 2. In the event that the Village Director of Public Works fails to provide such specification of location to the telecommunications retailer within either: a) ten days after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or b) 25 days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this chapter.
 3. Upon the provision of such specification by the Village, where a permit is required for work pursuant to section 8-6-4 of this chapter the telecommunications retailer shall submit to the Village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of subsection (A) of this section.
- (C) *Additional Village review of applications of holders of state authorization under the Cable and Video Competition Law of 2007* : Applications by a utility that is a holder of a state issued authorization under the cable and video competition law of 2007 shall be deemed granted 45 days after submission to the Village, unless otherwise acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances, and regulations.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-6. - Effect of permit.

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- (A) *Authority granted; no property right or other interest created* : A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this chapter on Village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.
- (B) *Duration* : No permit issued under this chapter shall be valid for a period longer than six months unless construction is actually begun within that period and is thereafter diligently pursued to completion.
- (C) *Preconstruction meeting required* : No construction shall begin pursuant to a permit issued under this chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a preconstruction meeting. The preconstruction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.
- (D) *Compliance with all laws required* : The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.

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(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-7. - Revised permit drawings.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village within 90 days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this chapter, it shall be treated as a request for variance in accordance with section 8-6-21 of this chapter. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-8. - Insurance.

- (A) *Required coverages and limits* : Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in subsections (A)1 and (A)2 of this section:
 1. Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:
 - (a) Five million dollars for bodily injury or death to each person;

(b) Five million dollars for property damage resulting from any one accident; and

(c) Five million dollars for all other types of liability;

2. Automobile liability for owned, nonowned and hired vehicles with a combined single limit of \$1,000,000.00 for personal injury and property damage for each accident;
3. Workers' compensation with statutory limits; and
4. Employer's liability insurance with limits of not less than \$1,000,000.00 per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this section.

(B) *Excess or umbrella policies* : The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) *Copies required* : The utility shall provide copies of any of the policies required by this section to the Village within ten days following receipt of a written request therefor from the Village.

(D) *Maintenance and renewal of required coverages* : The insurance policies required by this section shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 30 days after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village President of such intent to cancel or not to renew.

Within ten days after receipt by the Village of said notice, and in no event later than ten days prior to said cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this section.

(E) *Self-insurance* : A utility may self-insure all or a portion of the insurance coverage and limit requirements required by subsection (A) of this section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under subsection (A) of this section, or the requirements of subsections (B), (C) and (D) of this section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under subsection (A) of this section, such as evidence that the utility is a "private self-insurer" under the workers' compensation act.

(F) *Effect of insurance and self-insurance on utility's liability* : The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) *Insurance companies* : All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the state of Illinois. (All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.)

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-9. - Indemnification.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this chapter by the Village, its officials, officers, employees, agents or representatives.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-10. - Security.

- (A) *Purpose* : The permittee shall establish a security fund in a form and in an amount as set forth in this section. The security fund shall be continuously maintained in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The security fund shall serve as security for:
1. The faithful performance by the permittee of all the requirements of this chapter;
 2. Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this chapter; and
 3. The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or nonperformance by permittee in violation of this chapter including, without limitation, any damage to public property or restoration work the permittee is required by this chapter to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this chapter or any other applicable law.
- (B) *Form* : The permittee shall provide the security fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this subsection shall, at a minimum:
1. Provide that it will not be canceled without prior notice to the Village and the permittee;
 2. Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
 3. Shall provide a location convenient to the Village and within the state of Illinois at which it can be drawn.
- (C) *Amount* : The dollar amount of the security fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Village Director of Public Works, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Village Director of Public Works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the

construction under the permit. The amount of the security fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection for any single phase.

- (D) *Withdrawals* : The Village, upon 14 days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subsection, may withdraw an amount from the security fund, provided that the permittee has not reimbursed the Village for such amount within the 14 day notice period. Withdrawals may be made if the permittee:
1. Fails to make any payment required to be made by the permittee hereunder;
 2. Fails to pay any liens relating to the facilities that are due and unpaid;
 3. Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or nonperformance by the permittee; or
 4. Fails to comply with any provision of this chapter that the Village determines can be remedied by an expenditure of an amount in the security fund.
- (E) *Replenishment* : Within 14 days after receipt of written notice from the Village that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in subsection (C) of this section.
- (F) *Interest* : The permittee may request that any and all interest accrued on the amount in the security fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the security fund below the minimum balance required in subsection (C) of this section.
- (G) *Closing and return of security fund*: Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the security fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this chapter or other applicable law. In the event of any revocation of the permit, the security fund, and any and all accrued interest therein, shall become the property of the Village to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.
- (H) *Rights not limited* : The rights reserved to the Village with respect to the security fund are in addition to all other rights of the Village, whether reserved by this chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-11. - Permit suspension and revocation.

- (A) *Village right to revoke permit* : The Village may revoke or suspend a permit issued pursuant to this chapter for one or more of the following reasons:
1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
 2. Noncompliance with this chapter;
 3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
 4. The Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.
 5. The Telecommunications Provider failed to comply with any material condition of a permit

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issued.

6. The Telecommunications Provider substantially expanded or altered the use or the structure of the communications facility beyond what was requested in the permit application or approved, without the approval of the Village.
7. The Telecommunications Provider failed to notify the Village of the replacement of the communications facilities as required by this chapter.
8. A substantial change of law has occurred affecting the Telecommunications Provider's authority to occupy or use the property upon which the communications facility is located.
9. The communications facility interferes with vehicular or pedestrian use of the public right of way.
10. The Telecommunications Provider has failed to make a safe and timely restoration of the right-of-way or the property upon which the communications facility is located.
11. The Telecommunications Provider has failed to properly maintain the communications facility as required by this chapter.
12. The Telecommunications Provider has failed to abate interference with public safety communications in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.
13. The communications facility has been abandoned and the Telecommunications Provider has failed to remove the small wireless facility as provided in this chapter.
14. The communications facility is found to have been in violation of FCC radio frequency emission standards and the Telecommunications Provider, after becoming aware of such violation, fails to shut down or otherwise cure the violation within three (3) calendar days.

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(C) —Permittee alternatives upon receipt of notice of revocation or suspension : Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

1. Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
2. Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within five working days after receipt of the written notice of revocation; or
3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten days after receipt of the written notice of revocation.

The Village may, in its discretion, for good cause shown, extend the time periods provided in this subsection.

(D) —Stop work order : In addition to the issuance of a notice of revocation or suspension, the Village issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within subsection (A) of this section.

(E) —Failure or refusal of the permittee to comply : If the permittee fails to comply with the provisions of subsection (C) of this section, the Village or its designee may, at the option of the Village: 1) correct the deficiencies; 2) upon not less than 20 days' notice to the permittee, remove the subject facilities or equipment; or 3) after not less than 30 days' notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-12. - Change of ownership or owner's identity or legal status.

- (A) *Notification of change* : A utility shall notify the Village no less than 30 days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this chapter, with respect to the work and facilities in the right-of-way.
- (B) *Amended permit* : A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village's right-of-way.
- (C) *Insurance and bonding* : All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-13. - General construction standards.

- (A) *Standards and principles* : All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:
 1. "Standard Specifications For Road And Bridge Construction";
 2. "Supplemental Specifications And Recurring Special Provisions";
 3. "Highway Design Manual";
 4. "Highway Standards Manual";
 5. "Standard Specifications For Traffic Control Items";
 6. "Illinois Manual On Uniform Traffic Control Devices" (92 Ill. Adm. Code Section 545);
 7. "Flagger's Handbook"; and
 8. "Work Site Protection Manual For Daylight Maintenance Operations".
- (B) *Interpretation of municipal standards and principles* : If a discrepancy exists between or among differing principles and standards required by this chapter, the Village Director of Public Works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Village Director of Public Works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.
- (C) *Communications facilities* : In addition to all other provisions in this chapter, communications facilities shall be subject to the requirements below. A utility shall have the right to request a variation or exception to the general construction standards. Such request shall be submitted in writing to the Director of Community Development for review and determination. The Director of Community Development shall have the authority to grant a variation or exception to the general construction standards upon the utility's demonstration of good cause for granting such request.
 1. Ground-mounted equipment, where approved by the Village, shall be screened from view from the public right-of-way.
 2. Pole-mounted equipment shall be mounted not less than seven feet above grade at the base of the pole.

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3. No portion of any antenna, cabling or equipment shall be mounted over a sidewalk, private driveway or public street.
4. No equipment cabinet service door shall swing over a sidewalk, private driveway or public street.
5. No air mechanically discharged from equipment cabinets shall be directed toward a sidewalk or driveway.
6. The overall dimension of any individual piece of equipment or antenna shall not exceed four feet in any horizontal or vertical dimension.
7. Size of antenna: The overall dimensions of any individual antenna, including panel, whip, dish or other configuration, shall not produce a volume of more than ~~six~~three cubic feet.
8. Size of equipment: The total combined volume of all above-ground equipment and appurtenances comprising a communications facility, exclusive of the antennas themselves, shall not exceed ~~2532~~cubic feet.
9. The outer diameter of an imaginary line encircling any antenna array shall not exceed four feet.
10. The height of any replacement utility pole or wireless support structure on which small wireless facilities are collocated, or the height of any component of the wireless facility, shall be limited to the higher of:
 - (a) Ten feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date of application is submitted to the Village, that is located within 300 feet of the existing or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdiction boundary of the Village, provided the Village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility, or
 - (b) Forty-five feet above ground level at the base of the utility pole or wireless support structure to be used to support the small wireless facility.
11. The overall height of an extended existing utility pole, including antennas or equipment mounted thereto, shall not be greater than ten feet higher than the top of the existing utility pole.
12. The use of guy wires or other supplemental supports shall not be used to stabilize or strengthen existing utility poles.
13. The exposed finish of all equipment, antennas and antenna mounting brackets and components shall have a color that blends with the surroundings of the existing utility pole as determined by the Village.
14. All cabling, conduit and wiring attached to the utility pole shall be covered with an appropriate cover or cable shield.

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(Ord. 5621, 10-22-2017, Ord. 6494, 6-26-2017; Ord. 6608, 6-25-2018; Ord. 6674, 2-25-2019)

8-6-14. - Traffic control.

- (A) *Minimum requirements* : The Village's minimum requirements for traffic protection are contained in IDOT's "Illinois Manual On Uniform Traffic Control Devices" and this code.
- (B) *Warning signs, protective devices, and flaggers* : The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.

- (C) *Interference with traffic* : All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
- (D) *Notice when access is blocked* : At least 48 hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to section 8-6-20 of this chapter the utility shall provide such notice as is practicable under the circumstances.
- (E) *Compliance* : The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the Village.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-15. - Location of facilities.

- (A) *General requirements* : In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection. A utility shall have the right to request a variation or exception to the general requirements. Such request shall be submitted in writing to the Director of Community Development for review and determination. The Director of Community Development shall have the authority to grant a variation or exception to the general requirements upon the utility's demonstration of good cause for granting such request.
 - 1. *No interference with Village facilities* : No utility facilities shall be placed in any location if the Village Director of Public Works determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.
 - 2. *Minimum interference and impact* : The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
 - 3. *No interference with travel* : No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
 - 4. *No limitations on visibility* : No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
 - 5. *Size of utility facilities* : The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
 - 6. *Additional requirements for communications facilities*: In addition to all other provisions in this chapter, communications facilities shall be subject to the following requirements:
 - (a) No new poles or transmission towers shall be permitted in the public right-of-way. Communications facilities shall be located on existing utility poles, or replacement poles installed in the same location as the existing pole to be replaced.
 - (b) If the existing utility pole selected for installation of a communications facility does not have any overhead wires attached to it, all new wires and cables required to service the facility shall be routed underground to the utility pole.
 - (c) No above ground communications facility shall be permitted in any public right-of-way that is contiguous to and having a physical border with the front yard or corner side yard of any residential corner lot property.
 - (d) Horizontal separation requirements:

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(1) There shall be no limitation for the placement of a communications facility that is mounted on a utility pole. ~~except that no communications facility shall be mounted on a utility pole located within 300 feet of the nearest lot line of any public or private school.~~

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(2) No communication facility with ground-mounted equipment shall be installed within 300 feet of an existing communications facility or within 300 feet of a site specific location for a communications facility already issued a building permit by the Village.

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- (e) No more than one communications facility shall be installed on any existing utility pole.
- (f) No communications facility shall be permitted on any existing pole that supports traffic signal lights.
- (g) The Village may choose to adjust the location of a communications facility based on tree obstructions, location to existing utilities, and pedestrian or traffic safety.
- (h) Communications facility equipment shall not obstruct traffic sight lines as determined by the Village.

(B) *Parallel facilities located within highways:*

1. *Overhead parallel facilities* : An overhead parallel facility may be located within the right-of-way lines of a highway only if:
 - (a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
 - (b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 meters) behind the face of the curb, where available;
 - (c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 meters) outside the outer shoulder line of the roadway and are not within the clear zone;
 - (d) No pole is located in the ditch line of a highway; and
 - (e) Any ground mounted appurtenance is located within one foot (0.3 meters) of the right-of-way line or as near as possible to the right-of-way line.
2. *Underground parallel facilities* : An underground parallel facility may be located within the right-of-way lines of a highway only if:
 - (a) The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4 meters) from and parallel to the right-of-way line;
 - (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five feet (1.5 meters) from the right-of-way line and any above grounded appurtenance shall be located within one foot (0.3 meters) of the right-of-way line or as near as practicable.

(C) *Facilities crossing highways :*

1. *No future disruption* : The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
2. *Cattle passes, culverts, or drainage facilities* : Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

3. *Ninety degree crossing required* : Crossing facilities shall cross at or as near to a 90 degree angle to the centerline as practicable.
 4. *Overhead power or communication facility*: An overhead power or communication facility may cross a highway only if:
 - (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "construction of electric power and communication lines" (83 Ill. Adm. Code 305);
 - (b) Poles are located within one foot (0.3 meters) of the right-of-way line of the highway and outside of the clear zone; and
 - (c) Overhead crossings at major intersections are avoided.
 5. *Underground power or communication facility* : An underground power or communication facility may cross a highway only if:
 - (a) The design materials and construction methods will provide maximum maintenance free service life; and
 - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
 6. *Markers* : The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current federal regulations (49 CFR Section 192.707 (1989)).
- (D) *Facilities to be located within particular rights-of-way*: The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.
- (E) *Freestanding facilities* :
1. The Village may restrict the location and size of any freestanding facility located within a right-of-way.
 2. The Village may require any freestanding facility located within a right-of-way to be screened from view.
- (F) *Facilities installed aboveground* : Aboveground facilities may be installed only if:
1. No other existing facilities in the area are located underground;
 2. New underground installation is not technically feasible; and
 3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.
- (G) *Facility attachments to bridges or roadway structures*:
1. Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
 2. A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or

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disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

- (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
- (b) The type, length, value, and relative importance of the highway structure in the transportation system;
- (c) The alternative routings available to the utility and their comparative practicability;
- (d) The proposed method of attachment;
- (e) The ability of the structure to bear the increased load of the proposed facility;
- (f) The degree of interference with bridge maintenance and painting;
- (g) The effect on the visual quality of the structure; and
- (h) The public benefit expected from the utility service as compared to the risk involved.

(H) Appearance standards :

1. The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

3 All communications facilities shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment, and aesthetic requirements which may be adopted by the Village from time to time, which may include restrictions relative to design and/or concealment measures in a Historic District or on historic landmarked property or within the Village's C5A Central Retail Core Zoning Subdistrict, but such design and/or concealment measures shall not have the effect of prohibiting any of a wireless services provider's technology and shall not be considered part of the small wireless facility for purposes of the determining height and/or volume restrictions on a communicationssmall wireless facility.

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(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017; Ord. 6608, 6-25-2018; Ord. 6674, 2-25-2019)

8-6-16. - Construction methods and materials.

(A) Standards and requirements for particular types of construction methods :

1. *Boring or jacking :*
 - (a) *Pits and shoring :* Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village Director of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
 - (b) *Wet boring or jetting :* Wet boring or jetting shall not be permitted under the roadway.
 - (c) *Borings with diameters greater than six inches :* Borings over six inches (0.15 meters) in diameter shall be accomplished with an auger and following pipe, and the diameter of the

auger shall not exceed the outside diameter of the following pipe by more than one inch)(25 millimeters).

- (d) *Borings with diameters six inches or less* : Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
 - (e) *Tree preservation* : Any facility located within the drip line of any tree designated by the Village to be preserved or protected shall be bored under or around the root system.
2. *Trenching* : Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of section 603 of IDOT's "Standard Specifications For Road And Bridge Construction".
- (a) *Length* : The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe/line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Village Director of Public Works.
 - (b) *Open trench and excavated material* : Open trench and windrowed excavated material shall be protected as required by chapter 6 of the "Illinois Manual On Uniform Traffic Control Devices". Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off road location.
 - (c) *Drip line of trees* : The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
3. *Backfilling* :
- (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications For Road And Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
 - (b) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Director of Public Works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Director of Public Works.
4. *Pavement cuts* : Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this subsection (A)4 is permitted under section 8-6-21 of this chapter, the following requirements shall apply:
- (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Director of Public Works.
 - (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.
 - (c) All saw cuts shall be full depth.
 - (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary

and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a JULIE locate.

5. *Encasement :*

- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one piece fabrication or by welding or jointed installation approved by the Village.
- (b) The venting, if any, of any encasement shall extend within one foot (0.3 meters) of the right-of-way line. No aboveground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.
- (d) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.
- (e) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: 1) extra heavy pipe is used that precludes future maintenance or repair and 2) cathodic protection of the pipe is provided.
- (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

6. *Minimum cover of underground facilities :* Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type Of Facility	Minimum Cover
Electric lines	30 inches (0.8 m)
Communication, cable or video service lines	24 inches (0.6 m, as determined by Village)
Gas or petroleum products	30 inches (0.8 m)
Water line	Sufficient cover to provide freeze protection
Sanitary sewer, storm sewer, or drainage line	Sufficient cover to provide freeze protection

(B) *Standards and requirements for particular types of facilities :*

1. *Electric power or communication lines :*

- (a) *Code compliance :* Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Illinois Administrative Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communication Lines", and the National Electrical Safety Code.

- (b) *Overhead facilities* : Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guywires are equipped with guy guards for maximum visibility.
 - (c) *Underground facilities* :
 - (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.
 - (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: a) the crossing is installed by the use of "moles", "whip augers", or other approved methods which compress the earth to make the opening for cable installation or b) the installation is by the open trench method which is only permitted prior to roadway construction.
 - (3) Cable shall be grounded in accordance with the national electrical safety code.
 - (d) *Burial of drops* : All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snow drops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snow drops, within ten business days after placement.
2. *Underground facilities other than electric power or communication lines* : Underground facilities other than electric power or communication lines may be installed by:
 - (a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;
 - (b) Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
 - (c) Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - (d) Tunneling with vented encasement, but only if installation is not possible by other means.
 3. *Gas transmission, distribution and service* : Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR Section 192), IDOT's "Standard Specifications For Road And Bridge Construction", and all other applicable laws, rules, and regulations.
 4. *Petroleum products pipelines* : Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI standard code for pressure piping (liquid petroleum transportation piping systems ANSI-B 31.4).
 5. *Water lines, sanitary sewer lines, storm water sewer lines or drainage lines* : Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications For Water And Sewer Main Construction In Illinois."
 6. *Ground mounted appurtenances* : Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation free area extending one foot (305 millimeters) in width beyond the appurtenance in all directions. The vegetation free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Director of Public Works. With the approval of the Director of Public Works, shrubbery surrounding the appurtenance may be used in place of

vegetation free area. The housing for ground mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C) *Materials :*

1. General standards: The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications For Road And Bridge Construction", the requirements of the Illinois commerce commission, or the standards established by other official regulatory agencies for the appropriate industry.
2. Material storage on right-of-way: No material shall be stored on the right-of-way without the prior written approval of the Village Director of Public Works. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.
3. *Hazardous materials :* The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) *Operational restrictions :*

1. Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
2. These restrictions may be waived by the Director of Public Works when emergency work is required to restore vital utility services.
3. Unless otherwise permitted by the Village, the hours of construction are those set forth in section 4-1-5 of this Code.

(E) *Location of existing facilities :* Any utility proposing to construct facilities in the Village shall contact JULIE and ascertain the presence and location of existing aboveground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by JULIE, a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act¹.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-17. - Vegetation control.

- (A) *Electric utilities; compliance with state laws and regulations :* An electric utility shall conduct all tree trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the Village as permitted by law.
- (B) *Other utilities; tree trimming permit required:* Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this chapter.

1. *Application for tree trimming permit* : Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
2. *Damage to trees* : Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(C) *Specimen trees or trees of special significance* : The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

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(D) *Chemical use* :

1. Except as provided in the following subsection, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.
2. Spraying of any type of brush killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Director of Public Works that such spraying is the only practicable method of vegetation control.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-18. - Removal, relocation, or modifications of utility facilities.

- (A) *Notice* : Within 90 days following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.
- (B) *Removal of unauthorized facilities* : Within 30 days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:
 1. Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
 2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
 3. If the facility was constructed or installed without prior issuance of a required permit in violation of this chapter; or
 4. If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.
- (C) *Emergency removal or relocation of facilities* : The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

- (D) *Abandonment of facilities* : Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within 90 days. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Village Director of Public Works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.
- (E) *Relocation of Village utilities* : In the event that the Village decides to relocate underground all of the overhead utilities supported by a utility pole upon which a communications facility is located, the licensee of the communications facility shall decommission and remove all associated equipment, equipment cabinets, equipment shelters, antennas, wiring, cabling, conduits, cable covers, etc. that comprise the communications facility within 30 days written notice from the Village. All utility lines, cables or wiring, or portions thereof that service the affected communications facility and will be abandoned due to the decommissioning of the communications facility shall be removed by the licensee of the communications facility.
- (F) *Interference with public project improvements* : In the event the Village undertakes a public improvement requiring the moving a utility pole on which a communications facility is located, all such relocation work and expenses shall be borne by the utility pole user including, but not limited to the Licensee of the communications facility.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-19. - Cleanup and restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within ten days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Village Director of Public Works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the Village Director of Public Works for good cause shown.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

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8-6-20. - Maintenance and emergency maintenance.

- (A) *General* : Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.
- (B) *Emergency maintenance procedures* : Emergencies may justify noncompliance with normal procedures for securing a permit:
1. If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
 2. In an emergency, the utility shall, as soon as possible, notify the Village Director of Public Works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary

repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified immediately.

3. In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) *Emergency repairs* : The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

(D) Communications sites and facilities including, but not limited to all landscaping, fencing and related transmission equipment shall be maintained in accordance with the approved plans and conditions for approval, and in accordance with the Village's building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety, and structurally sound and in good repair to prevent deterioration of the pole, peeling paint, loose structural or electrical connections or attachments, and unwarranted equipment noise. The Telecommunications Provider shall provide the Village with a minimum forty-eight (48) hours' notice prior to start of any routine maintenance. Notification shall be provided to the Director of the Public Works Department.

(E) Within 30 days of the newly installed or modified communications facility's first receipt or transmission of communications signals, and annually on a quarterly basis thereafter, the licensee of the communications facility shall submit to the Village a certified written report from a consultant approved by the Village of Glen Ellyn which indicates that the level of total electronic transmissions from the communications facility does not exceed the maximum permitted electronic transmission exposure limit for general population/uncontrolled permitted by any federal [or] state regulatory agency at the time of issuance of the permit. The quarterly report shall state whether each of the Telecommunications Provider's communications facilities operated within the Village are compliant with the Federal Communications Commission's radio frequency emission limits for the immediately prior quarterly reporting period. The certified quarterly report shall be delivered to the Village Manager no later than the 30th day of the month following the end of the calendar quarter.

1. Radiofrequency field testing shall be performed at and around the site of the communications facility in accordance with the current edition of the Federal Communications Commission Office of Engineering and Technology (OET) Bulletin 65 for on-site testing. Points of interest shall be selected to measure the power density at areas including, but not limited to the following locations:

- (a) Persons passing by the communications facility.
- (b) At the closest exterior wall of the nearest residential dwelling unit to the communications facility, taken at a height of two meters above the first floor level and one meter above any second or third floor level.

(c) For rooftop communications facilities, within any occupiable room directly beneath or directly behind antennas of such installations, taken at a height of two meters above the occupiable floor level immediately below the RADrad center of the antennas.

(d) For communications facilities with wall-mounted antennas, within any occupiable room directly above and below such antenna installations, taken at a height of two meters above the floor level immediately above and below the rad center of the antennas

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Telecommunications Providers shall, upon request of the Village at any time, perform radio frequency testing of any or all communications facilities, provide such testing results to the Village, and shall promptly respond to all Village requests for information and/or cooperation with respect to any of the foregoing. Village staff may, at the Village's option, accompany the wireless provider or its agents in the performance of such testing. The Village has the right, but not the obligation, to employ a qualified radio frequency engineer to conduct annual random and unannounced testing of permitted communications facilities to determine their compliance with all FCC radio frequency emission limits. In the event the Village decides to perform its own testing, the Telecommunications Provider shall allow the Village or its designee to have supervised access

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to the areas near the communications facility for inspections and field measurements. Any communications facility found not to comply with FCC radio frequency emission standards shall be immediately reported by the Telecommunications Provider to the FCC, with a copy of such report sent at the same time to the Village Manager, and shall be powered-down, adjusted, repaired, and/or replaced, or shut off and/or removed by the Telecommunications Provider within three (3) calendar days of the provider becoming aware of the violation.

A. Communications facilities that exceed the FCC's radio frequency emissions standards are declared a public nuisance, and may be summarily abated by the Village. Failure by a Telecommunications Provider to cure a violation of the FCC radio frequency emission standards within three (3) calendar days shall result in a revocation of the applicable communications small-wireless facility permit, and/or a citation for maintaining a public nuisance with a fine in the amount of seven hundred and fifty dollars (\$750), with each day of continued operation without cure being a separate violation. In the event the Village determines a communications facility is not in compliance with any legal requirements or conditions related to radio frequency, the Telecommunications Provider shall, in addition to the foregoing, be responsible for all costs and expenses incurred by the Village in connection with the investigation, testing, enforcement and/or remediation of such noncompliance.

(G) Utility equipment located in the public right-of-way and in residentially zoned districts shall be operated in such a manner so as to minimize any possible disruption to residents and occupants of nearby buildings caused by noise.

1. Within 30 days of the newly installed or modified communications facility's first receipt or transmission of communications signals, the Telecommunications Provider shall submit a written report that analyzes acoustic levels for the communications facility and all associated equipment including, without limitation, all environmental control units, sump pumps, temporary backup power generators and, and permanent backup power generators in order to demonstrate compliance with applicable Village noise regulations, including, but not limited to, chapter 10-5-13. The acoustic analysis must be prepared and certified by an Illinois Licensed Professional Engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of a written report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.

2. Backup generators, if needed, shall only be operated during periods of power outages, and for no more than one weekly testing period not to exceed fifteen (15) minutes, and shall not be tested on weekends or legal holidays, or between the hours of 5:00 p.m. and 7:00 a.m.

3. Except during periods of power outages, or during testing authorized pursuant to paragraph G.2 above, at no time shall any utility facility in a residentially zoned area be permitted to exceed 45 dBA or any other applicable noise levels imposed by codes adopted by the Village.

(HG) The communications facility licensee shall remove any graffiti on the facility at the Licensee's sole expense within 72 hours of receipt of a written notice to remove the graffiti.

(I) Public Safety Technology: A Telecommunications Provider's operation of a communications facility may not interfere with the frequencies used by a public safety agency for public safety communications. A Telecommunications Provider must install communications facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment. Unacceptable interference is determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licenses by a public safety agency.

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If a communications facility causes such interference, and the Telecommunications Provider has been given written notice of the interference by the public safety agency, the Telecommunications Provider, at its own expense, shall take all reasonable steps necessary to correct and eliminate the interference, including, but not limited to, powering down the communications facility and later powering up the communications facility for intermittent testing, if necessary.

The Village may terminate a permit for a communications facility based on such interference if the Telecommunications Provider is not making a good faith effort to remedy the problem in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC, including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675. The burden to establish the good faith effort shall be on the Telecommunications Provider, which shall timely deliver to the Village all information necessary to demonstrate its efforts to resolve the interference consistent with the Code of Federal Regulations sections cited above. Failure to remedy the interference as required herein shall constitute a public nuisance and the communications facility may be abated through the procedures for abatement of such nuisances set forth in this code.

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8-6-21. - Variances.

- (A) *Request for variance* : A utility requesting a variance from one or more of the provisions of this chapter must do so in writing to the Village Director of Public Works as a part of the permit application. The request shall identify each provision of this chapter from which a variance is requested and the reasons why a variance should be granted.
- (B) *Authority to grant variances* : The Village Director of Public Works shall decide whether a variance is authorized for each provision of this chapter identified in the variance request on an individual basis.
- (C) *Conditions for granting of variance* : The Village Director of Public Works may authorize a variance only if the utility requesting the variance has demonstrated that:
1. One or more conditions not under the control of the utility (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
 2. 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 Village Director of Public Works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this chapter but which carry out the purposes of this chapter.
- (E) *Right to appeal* : Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Village Director of Public Works under the provisions of this chapter shall have the right to appeal to the Village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village clerk within 30 days after the date of such order, requirement, decision or determination. The Village board shall commence its consideration of the appeal at the board's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The Village Board shall timely decide the appeal.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

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8-6-22. - Penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

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8-6-23. - Enforcement.

Nothing in this chapter shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this chapter.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

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Chapter 6 - CONSTRUCTION OF UTILITY FACILITIES IN RIGHTS-OF-WAY

8-6-1. - Purpose and scope.

- (A) *Purpose* : The purpose of this chapter is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.
- (B) *Intent* : In enacting this chapter, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including, without limitation:
1. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
 2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 3. Prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or on public property;
 4. Protect against environmental damage, including damage to trees, from the installation of utility facilities;
 5. Protect against increased storm water runoff due to structures and materials that increase impermeable surfaces;
 6. Preserve the character of the neighborhoods in which facilities are installed;
 7. Preserve open space, particularly the tree lined parkways that characterize the Village's residential neighborhoods;
 8. Prevent visual blight from the proliferation of facilities in the rights-of-way; and
 9. Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.
- (C) *Facilities subject to this chapter* : This chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.
- (D) *Franchises, licenses, or similar agreements*: The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this chapter.
- (E) *Effect of franchises, licenses, or similar agreements* :
1. *Utilities other than telecommunications providers* : In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
 2. *Telecommunications providers* : In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

- (F) *Conflicts with other chapters* : This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- (G) *Conflicts with state and federal laws* : In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the utility shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.
- (H) *Sound engineering judgment* : The Village shall use sound engineering judgment when administering this chapter and may vary the standards, conditions, and requirements expressed in this chapter when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-2. - Definition.

As used in this chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it in 92 Illinois Administrative Code Section 530.30, unless the context clearly requires otherwise.

AASHTO: American Association of State Highway and Transportation Officials.

ANSI: American National Standards Institute.

ASTM: American Society for Testing and Materials.

APPLICANT: A person applying for a permit under this chapter.

BACKFILL: The methods or materials for replacing excavated material in a trench or pit.

BORE OR BORING: To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

CABLE OPERATOR: That term as defined in 47 USC 522(5).

CABLE SERVICE: That term as defined in 47 USC 522(6).

CABLE SYSTEM: That term as defined in 47 USC 522(7).

CARRIER PIPE: The pipe enclosing the liquid, gas or slurry to be transported.

CASING: A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

CLEAR ZONE: The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a nonrecoverable slope, and a clear run out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO "Roadside Design Guide".

COATING: Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

CODE: The municipal code of the Village of Glen Ellyn.

COMMUNICATIONS FACILITY: A Utility facility consisting of wireless communication equipment and antennas for the purpose of providing wireless communication service.

CONDUCTOR: Wire carrying electrical current.

CONDUIT: A casing or encasement for wires or cables.

CONSTRUCTION OR CONSTRUCT: The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

COVER: The depth of earth or backfill over buried utility pipe or conductor.

CROSSING FACILITY: A facility that crosses one or more right-of-way lines of a right-of-way.

DIRECTOR OF PUBLIC WORKS: The Village Director of Public Works or his or her designee.

DISRUPT THE RIGHT-OF-WAY: For the purposes of this chapter, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

EMERGENCY: Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

ENCASEMENT: Provision of a protective casing.

ENGINEER: The Village Engineer or his or her designee.

EQUIPMENT: Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

EXCAVATION: The making of a hole or cavity by removing material, or laying bare by digging.

EXTRA HEAVY PIPE: Pipe meeting ASTM standards for this pipe designation.

FACILITY: All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this chapter. For purposes of this chapter, the term "facility" shall not include any facility owned or operated by the Village.

FREESTANDING FACILITY: A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

FRONTAGE ROAD: Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

HAZARDOUS MATERIALS: Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village Director of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

HIGHWAY: A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

HIGHWAY CODE: The Illinois Highway Code, 605 Illinois Compiled Statutes 5/1-101 et seq., as amended from time to time.

HOLDER: A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois cable and video competition law, 220 Illinois Compiled Statutes 5/21-401.

ICC: Illinois Commerce Commission.

IDOT: Illinois Department of Transportation.

JULIE: The joint utility locating information for excavators' utility notification program.

JACKING: Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

JETTING: Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

JOINT USE: The use of pole lines, trenches or other facilities by two or more utilities.

MAJOR INTERSECTION: The intersection of two or more major arterial highways.

OCCUPANCY: The presence of facilities on, over or under right-of-way.

PARALLEL FACILITY: A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

PARKWAY: Any portion of the right-of-way not improved by street or sidewalk.

PAVEMENT CUT: The removal of an area of pavement for access to a facility or for the construction of a facility.

PERMITTEE: That entity to which a permit has been issued pursuant to sections 8-6-4 and 8-6-5 of this chapter.

PETROLEUM PRODUCTS PIPELINES: Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal slurry.

PRACTICABLE: That which is performable, feasible or possible, rather than that which is simply convenient.

PRESSURE: The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

PROMPT: That which is done within a period of time specified by the Village. If no time period is specified, the period shall be 30 days.

PUBLIC ENTITY: A legal entity that constitutes or is part of the government, whether at local, state or federal level.

RESTORATION: The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

RIGHT-OF-WAY OR RIGHTS-OF-WAY: Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. "Right-of-way" or "rights-of-way" shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village

buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

ROADWAY: That part of the highway that includes the pavement and shoulders.

SALE OF TELECOMMUNICATIONS AT RETAIL: The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SECURITY FUND: That amount of security required pursuant to section 8-6-10 of this chapter.

SHOULDER: A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

SOUND ENGINEERING JUDGMENT: A decision(s) consistent with generally accepted engineering principles, practices and experience.

TELECOMMUNICATIONS: This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated nontraffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end to end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the cable communications act of 1984 (47 USC section 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the rules of the federal communications commission (47 CFR section 76.1500 and following), as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER: Any person or entity that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER: Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

TRENCH: A relatively narrow open excavation for the installation of an underground facility.

UTILITY: The individual or entity owning or operating any "facility" as defined in this chapter.

UTILITY POLE: A post structure owned or operated by a public utility or a municipality that is designed specifically to support overhead lines, cables or wires for the distribution of electricity, telecommunications, cable, fiber optics, and related equipment such as transformers, and street lights.

VENT: A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

VIDEO SERVICE: That term as defined in Section 21-201 (v) of the Illinois Cable and Video Competition Law of 2007, 220 Illinois Compiled Statutes 21-201(v).

VILLAGE: The Village of Glen Ellyn.

WATER LINES: Pipelines carrying raw or potable water.

WET BORING: Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-3. - Annual registration/certification required.

- (A) Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Director of Public Works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24 hour telephone number for each such person, and evidence of insurance as required in section 8-6-8 of this chapter, in the form of a certificate of insurance.
- (B) Each year on July 1, all Telecommunications Providers shall submit an affidavit to the Village which shall list, by location, all communications facilities it owns within the Village, and shall certify (1) each such installation remains in use; (2) such in-use facility remains covered by required insurance; and (3) each such installation which is no longer in use. Any communications facility that is no longer in use shall be removed by the Telecommunications Provider within thirty (30) calendar days of delivery of the affidavit.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-4. - Permit required; applications and fees.

- (A) *Permit required* : No person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which: 1) changes the location of the facility, 2) adds a new facility, 3) disrupts the right-of-way (as defined in this chapter), or 4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Village Director of Public Works and obtaining a permit from the Village therefor, except as otherwise provided in this chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

1. In the case of construction of a communications facility:

- (a) Building, electric and work in parkway or right-of-way permit applications shall be filed with the Village Community Development Department. A single application shall propose work, new or modification, to no more than one communications facility.
- (b) A permit shall be required for any tree trimming required for the installation or maintenance of a communications facility.
- (c) In the event that an existing utility pole is to be replaced as part of the construction of a communications facility, the owner of the existing utility pole shall provide written authorization for the communications facility licensee to perform the work or secure a separate permit to perform work within the public right-of-way.
- (d) In the event that new utility wires or cables need to be routed to the existing utility pole to service the communications facility, that work must be included on the permit submittal

drawings or a separate permit to perform work within the public right-of-way must be secured.

- (e) Modifications performed to an existing communications facility shall require new permits to be issued by the Village.
 - (f) Modifications performed to an existing communications facility that result in additional dead load of equipment or antennas, an increase in the number of antennas, or an increase in the exposed surface area of equipment and/or antennas shall require a structural analysis of the utility pole subjected to the modifications to be submitted to the Village for review and approval.
- (B) *Permit application*: All applications for permits pursuant to this chapter shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.
- (C) *Minimum general application requirements*: The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:
1. The utility's name and address and telephone and telecopy numbers;
 2. The applicant's name and address, if different than the utility, its telephone and telecopy numbers, e-mail address, and its interest in the work;
 3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
 4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
 5. Evidence that the utility has placed on file with the Village:
 - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the "Illinois Manual On Uniform Traffic Control Devices," to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the Village finds that additional information or assurances are needed;
 6. Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
 7. Evidence of insurance as required in section 8-6-8 of this chapter;
 8. Evidence of posting of the security fund as required in section 8-6-10 of this chapter;
 9. Any request for a variance from one or more provisions of this chapter (see section 8-6-21 of this chapter); and
 10. Such additional information as may be reasonably required by the Village.

(D) *Supplemental application requirements for specific types of utilities:* In addition to the requirements of subsection (C) of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

1. In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
3. In the case of water lines, indicate that all requirements of the Illinois environmental protection agency, division of public water supplies, have been satisfied;
4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Metropolitan Water Reclamation District or other local or state entities with jurisdiction, have been satisfied; or
5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
6. In the case of communications facilities the following minimum items of information shall be submitted as an attachment to the permit application. Additional information may be required to be submitted as deemed necessary upon completion of the initial plan review.
 - (a) Indication of pole ownership.
 - (b) Letter of authorization from the utility that owns the pole, if pole is not owned by the Village.
 - (c) Letter of authorization from the electric utility approving location of the equipment and antennas with respect to location of existing power lines.
 - (d) List of other utility services to be installed or connected to which are required to support the facility.
 - (e) Drawings prepared by an Illinois licensed structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, to indicate the following information:
 - (1) Geographic coordinates of the proposed facility;
 - (2) Ground elevation at base of utility pole;
 - (3) Site plan indicating all structures, surface features and trees within 100 feet of the utility pole location;
 - (4) Equipment and antenna plans, elevations and details as required to fully describe all equipment, equipment cabinets, equipment shelters, antennas, wiring, cabling, conduits, cable covers, etc. that comprise the communications facility;
 - (5) Elevation views of utility pole, all equipment and antennas;
 - (6) Proposed color of exposed surfaces of equipment, cable covers and antennas;
 - (7) Grounding system design;
 - (8) Lightning protection design, if provided;
 - (9) Pole design and specification for replacement pole, if required;
 - (10) Utility pole extension system, if required;
 - (11) Point of utility demarcation(s);

- (12) Proximity of other utilities supported by utility pole to proposed equipment and antennas;
 - (13) Radio frequency safety signage;
 - (14) Single-line electric distribution diagram;
 - (15) Structural supports for equipment and antennas;
 - (16) Utility connection requirements including point of connection to each;
 - (17) Vertical height from grade to top of antennas;
 - (18) Vertical height from grade to top of existing or replacement utility pole;
 - (19) Vertical height from grade to underside of all equipment supported by utility pole;
 - (20) Tree protection measures in accordance with the Village of Glen Ellyn Arboricultural Specifications Manual;
 - (21) Provisions for landscaping and site restoration.
- (f) Photograph of the existing utility pole and surrounding site taken from the street and facing the nearest residential structures on same side of the street as the utility pole.
 - (g) Specifications of all equipment and antennas.
 - (h) Structural analysis of existing or replacement pole, including analysis of pole and its embedment length under existing plus proposed loads.
 - (i) Coverage gap maps indicating the location of all nearby communications facilities, areas of coverage and lack thereof, location of proposed site, location of alternative site(s), number of customers anticipated to be served by the proposed facility versus those served by adjacent facilities and any other information deemed necessary to prove a need for a facility at the proposed location.
 - (j) For existing communications facilities, proof that the proposed work does not substantially change the physical dimensions of the facility.
 - (k) Environmental assessment: An environmental assessment shall be submitted in accordance with 47 CFR § 1.1307 - ACTIONS THAT MAY HAVE A SIGNIFICANT ENVIRONMENTAL EFFECT, FOR WHICH ENVIRONMENTAL ASSESSMENTS (EAs) MUST BE PREPARED, for new communications facilities, and for existing communications facilities to which modifications to existing antennas or associated equipment is proposed.

Exception: For communications facilities, modifications, operations and transmitters that are not required to submit an environmental assessment in accordance with 47 CFR 1.1307, a written certification signed by an officer or agent of the communications company shall be submitted with an itemized accounting with supporting documentation indicating why the proposed facility, modification, operations and transmitters is exempt from the submittal of an environmental assessment.
 - (l) A written affidavit signed by a radio frequency engineer certifying the communications facility's compliance with applicable Federal Communications Commission (FCC) rules and regulations relative to radio frequency emissions, as well as technical data such as the frequencies in use, power output levels and antenna specifications, reasonably necessary to evaluate compliance with maximum permissible exposure levels set by the FCC, as well as a monitoring plan for the applicant's facility capable of tracking and recording the daily amounts or levels of radio frequency emissions produced by the equipment, in order to verify on an ongoing basis that the communications facility will not exceed applicable FCC rules and regulations.
 - (m) For ground-mounted facilities, a landscape plan prepared and sealed by an Illinois licensed Landscape Architect shall be submitted. Such plan shall indicate screening of the proposed

equipment around the perimeter of the site with approved deciduous and coniferous planting materials. The Telecommunications Provider shall be responsible for maintenance of all landscaping as provided in the approved landscape plan.

- (E) *Applicant's duty to update information* : Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within 30 days after the change necessitating the amendment.
- (F) *Application fees* : Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this chapter shall be accompanied by a fee based on the existing right-of-way permit fee schedule. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017; Ord. 6674, 2-25-2019)

8-6-5. - Action on permit application.

- (A) *Village review of permit applications*: Completed permit applications, containing all required documentation, shall be examined by the Village Director of Public Works within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the Village Director of Public Works shall reject such application in writing, stating the reasons therefor. If the Village Director of Public Works is satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules, and regulations, the Village Director of Public Works shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Village Director of Public Works, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.
- (B) *Additional Village review of applications of telecommunications retailers*:
 1. Pursuant to Section 4 of the Telephone Company Act, 220 Illinois Compiled Statutes 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than ten days prior to the commencement of work requiring no excavation and not less than 30 days prior to the commencement of work requiring excavation. The Village Director of Public Works shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.
 2. In the event that the Village Director of Public Works fails to provide such specification of location to the telecommunications retailer within either: a) ten days after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or b) 25 days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this chapter.
 3. Upon the provision of such specification by the Village, where a permit is required for work pursuant to section 8-6-4 of this chapter the telecommunications retailer shall submit to the Village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of subsection (A) of this section.
- (C) *Additional Village review of applications of holders of state authorization under the Cable and Video Competition Law of 2007*: Applications by a utility that is a holder of a state issued authorization under the cable and video competition law of 2007 shall be deemed granted 45 days after

submission to the Village, unless otherwise acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances, and regulations.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-6. - Effect of permit.

- (A) *Authority granted; no property right or other interest created:* A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this chapter on Village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.
- (B) *Duration:* No permit issued under this chapter shall be valid for a period longer than six months unless construction is actually begun within that period and is thereafter diligently pursued to completion.
- (C) *Preconstruction meeting required:* No construction shall begin pursuant to a permit issued under this chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a preconstruction meeting. The preconstruction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.
- (D) *Compliance with all laws required:* The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-7. - Revised permit drawings.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village within 90 days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this chapter, it shall be treated as a request for variance in accordance with section 8-6-21 of this chapter. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-8. - Insurance.

- (A) *Required coverages and limits:* Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in subsections (A)1 and (A)2 of this section:

1. Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:
 - (a) Five million dollars for bodily injury or death to each person;
 - (b) Five million dollars for property damage resulting from any one accident; and
 - (c) Five million dollars for all other types of liability;
2. Automobile liability for owned, nonowned and hired vehicles with a combined single limit of \$1,000,000.00 for personal injury and property damage for each accident;
3. Workers' compensation with statutory limits; and
4. Employer's liability insurance with limits of not less than \$1,000,000.00 per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this section.

(B) *Excess or umbrella policies:* The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) *Copies required:* The utility shall provide copies of any of the policies required by this section to the Village within ten days following receipt of a written request therefor from the Village.

(D) *Maintenance and renewal of required coverages:* The insurance policies required by this section shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 30 days after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village President of such intent to cancel or not to renew.

Within ten days after receipt by the Village of said notice, and in no event later than ten days prior to said cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this section.

(E) *Self-insurance:* A utility may self-insure all or a portion of the insurance coverage and limit requirements required by subsection (A) of this section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under subsection (A) of this section, or the requirements of subsections (B), (C) and (D) of this section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under subsection (A) of this section, such as evidence that the utility is a "private self-insurer" under the workers' compensation act.

(F) *Effect of insurance and self-insurance on utility's liability:* The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) *Insurance companies:* All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the state of Illinois. (All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.)

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-9. - Indemnification.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this chapter by the Village, its officials, officers, employees, agents or representatives.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-10. - Security.

- (A) *Purpose:* The permittee shall establish a security fund in a form and in an amount as set forth in this section. The security fund shall be continuously maintained in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The security fund shall serve as security for:
1. The faithful performance by the permittee of all the requirements of this chapter;
 2. Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this chapter; and
 3. The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or nonperformance by permittee in violation of this chapter including, without limitation, any damage to public property or restoration work the permittee is required by this chapter to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this chapter or any other applicable law.
- (B) *Form:* The permittee shall provide the security fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this subsection shall, at a minimum:
1. Provide that it will not be canceled without prior notice to the Village and the permittee;
 2. Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
 3. Shall provide a location convenient to the Village and within the state of Illinois at which it can be drawn.
- (C) *Amount:* The dollar amount of the security fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Village Director of Public Works, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous

phase or phases, the Village Director of Public Works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the security fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection for any single phase.

- (D) *Withdrawals*: The Village, upon 14 days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subsection, may withdraw an amount from the security fund, provided that the permittee has not reimbursed the Village for such amount within the 14 day notice period. Withdrawals may be made if the permittee:
 1. Fails to make any payment required to be made by the permittee hereunder;
 2. Fails to pay any liens relating to the facilities that are due and unpaid;
 3. Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or nonperformance by the permittee; or
 4. Fails to comply with any provision of this chapter that the Village determines can be remedied by an expenditure of an amount in the security fund.
- (E) *Replenishment* : Within 14 days after receipt of written notice from the Village that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in subsection (C) of this section.
- (F) *Interest* : The permittee may request that any and all interest accrued on the amount in the security fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the security fund below the minimum balance required in subsection (C) of this section.
- (G) *Closing and return of security fund*: Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the security fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this chapter or other applicable law. In the event of any revocation of the permit, the security fund, and any and all accrued interest therein, shall become the property of the Village to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.
- (H) *Rights not limited*: The rights reserved to the Village with respect to the security fund are in addition to all other rights of the Village, whether reserved by this chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-11. - Permit suspension and revocation.

- (A) *Village right to revoke permit*: The Village may revoke or suspend a permit issued pursuant to this chapter for one or more of the following reasons:
 1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
 2. Noncompliance with this chapter;
 3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or

4. The Permittee failed to construct the facilities substantially in accordance with the permit and approved plans.
 5. The Telecommunications Provider failed to comply with any material condition of a permit issued.
 6. The Telecommunications Provider substantially expanded or altered the use or the structure of the communications facility beyond what was requested in the permit application or approved, without the approval of the Village.
 7. The Telecommunications Provider failed to notify the Village of the replacement of the communications facilities as required by this chapter.
 8. A substantial change of law has occurred affecting the Telecommunications Provider's authority to occupy or use the property upon which the communications facility is located.
 9. The communications facility interferes with vehicular or pedestrian use of the public right of way.
 10. The Telecommunications Provider has failed to make a safe and timely restoration of the right-of-way or the property upon which the communications facility is located.
 11. The Telecommunications Provider has failed to properly maintain the communications facility as required by this chapter.
 12. The Telecommunications Provider has failed to abate interference with public safety communications in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.
 13. The communications facility has been abandoned and the Telecommunications Provider has failed to remove the small wireless facility as provided in this chapter.
 14. The communications facility is found to have been in violation of FCC radio frequency emission standards and the Telecommunications Provider, after becoming aware of such violation, fails to shut down or otherwise cure the violation within three (3) calendar days.
- (B) *Notice of revocation or suspension:* The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this section.
- (C) *Permittee alternatives upon receipt of notice of revocation or suspension:* Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:
1. Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
 2. Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within five working days after receipt of the written notice of revocation; or
 3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten days after receipt of the written notice of revocation.
- The Village may, in its discretion, for good cause shown, extend the time periods provided in this subsection.
- (D) *Stop work order:* In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within subsection (A) of this section.

- (E) *Failure or refusal of the permittee to comply* : If the permittee fails to comply with the provisions of subsection (C) of this section, the Village or its designee may, at the option of the Village: 1) correct the deficiencies; 2) upon not less than 20 days' notice to the permittee, remove the subject facilities or equipment; or 3) after not less than 30 days' notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-12. - Change of ownership or owner's identity or legal status.

- (A) *Notification of change*: A utility shall notify the Village no less than 30 days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this chapter, with respect to the work and facilities in the right-of-way.
- (B) *Amended permit*: A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village's right-of-way.
- (C) *Insurance and bonding*: All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-13. - General construction standards.

- (A) *Standards and principles* : All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:
1. "Standard Specifications For Road And Bridge Construction";
 2. "Supplemental Specifications And Recurring Special Provisions";
 3. "Highway Design Manual";
 4. "Highway Standards Manual";
 5. "Standard Specifications For Traffic Control Items";
 6. "Illinois Manual On Uniform Traffic Control Devices" (92 Ill. Adm. Code Section 545);
 7. "Flagger's Handbook"; and
 8. "Work Site Protection Manual For Daylight Maintenance Operations".
- (B) *Interpretation of municipal standards and principles*: If a discrepancy exists between or among differing principles and standards required by this chapter, the Village Director of Public Works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Village Director of Public Works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.
- (C) *Communications facilities*: In addition to all other provisions in this chapter, communications facilities shall be subject to the requirements below. A utility shall have the right to request a variation or exception to the general construction standards. Such request shall be submitted in writing to the Director of Community Development for review and determination. The Director of Community

Development shall have the authority to grant a variation or exception to the general construction standards upon the utility's demonstration of good cause for granting such request.

1. Ground-mounted equipment, where approved by the Village, shall be screened from view from the public right-of-way.
2. Pole-mounted equipment shall be mounted not less than seven feet above grade at the base of the pole.
3. No portion of any antenna, cabling or equipment shall be mounted over a sidewalk, private driveway or public street.
4. No equipment cabinet service door shall swing over a sidewalk, private driveway or public street.
5. No air mechanically discharged from equipment cabinets shall be directed toward a sidewalk or driveway.
6. The overall dimension of any individual piece of equipment or antenna shall not exceed four feet in any horizontal or vertical dimension.
7. Size of antenna: The overall dimensions of any individual antenna, including panel, whip, dish or other configuration, shall not produce a volume of more than three cubic feet.
8. Size of equipment: The total combined volume of all above-ground equipment and appurtenances comprising a communications facility, exclusive of the antennas themselves, shall not exceed 25-cubic feet.
9. The outer diameter of an imaginary line encircling any antenna array shall not exceed four feet.
10. The height of any replacement utility pole or wireless support structure on which small wireless facilities are collocated, or the height of any component of the wireless facility, shall be limited to the higher of:
 - (a) Ten feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date of application is submitted to the Village, that is located within 300 feet of the existing or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdiction boundary of the Village, provided the Village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility, or
 - (b) Forty-five feet above ground level at the base of the utility pole or wireless support structure to be used to support the small wireless facility.
11. The overall height of an extended existing utility pole, including antennas or equipment mounted thereto, shall not be greater than ten feet higher than the top of the existing utility pole.
12. The use of guy wires or other supplemental supports shall not be used to stabilize or strengthen existing utility poles.
13. The exposed finish of all equipment, antennas and antenna mounting brackets and components shall have a color that blends with the surroundings of the existing utility pole as determined by the Village.
14. All cabling, conduit and wiring attached to the utility pole shall be covered with an appropriate cover or cable shield.

(Ord. 5621, 10-22-2017, Ord. 6494, 6-26-2017; Ord. 6608, 6-25-2018; Ord. 6674, 2-25-2019)

8-6-14. - Traffic control.

- (A) *Minimum requirements*: The Village's minimum requirements for traffic protection are contained in IDOT's "Illinois Manual On Uniform Traffic Control Devices" and this code.
- (B) *Warning signs, protective devices, and flaggers*: The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.
- (C) *Interference with traffic*: All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
- (D) *Notice when access is blocked*: At least 48 hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to section 8-6-20 of this chapter the utility shall provide such notice as is practicable under the circumstances.
- (E) *Compliance*: The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the Village.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-15. - Location of facilities.

- (A) *General requirements*: In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection. A utility shall have the right to request a variation or exception to the general requirements. Such request shall be submitted in writing to the Director of Community Development for review and determination. The Director of Community Development shall have the authority to grant a variation or exception to the general requirements upon the utility's demonstration of good cause for granting such request.
 1. *No interference with Village facilities*: No utility facilities shall be placed in any location if the Village Director of Public Works determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.
 2. *Minimum interference and impact*: The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
 3. *No interference with travel*: No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
 4. *No limitations on visibility*: No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
 5. *Size of utility facilities*: The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
 6. *Additional requirements for communications facilities*: In addition to all other provisions in this chapter, communications facilities shall be subject to the following requirements:
 - (a) No new poles or transmission towers shall be permitted in the public right-of-way. Communications facilities shall be located on existing utility poles, or replacement poles installed in the same location as the existing pole to be replaced.

- (b) If the existing utility pole selected for installation of a communications facility does not have any overhead wires attached to it, all new wires and cables required to service the facility shall be routed underground to the utility pole.
- (c) No above ground communications facility shall be permitted in any public right-of-way that is contiguous to and having a physical border with the front yard or corner side yard of any residential corner lot property.
- (d) Horizontal separation requirements:
 - (1) There shall be no limitation for the placement of a communications facility that is mounted on a utility pole, except that no communications facility shall be mounted on a utility pole located within 300 feet of the nearest lot line of any public or private school.
 - (2) No communication facility with ground-mounted equipment shall be installed within 300 feet of an existing communications facility or within 300 feet of a site specific location for a communications facility already issued a building permit by the Village.
- (e) No more than one communications facility shall be installed on any existing utility pole.
- (f) No communications facility shall be permitted on any existing pole that supports traffic signal lights.
- (g) The Village may choose to adjust the location of a communications facility based on tree obstructions, location to existing utilities, and pedestrian or traffic safety.
- (h) Communications facility equipment shall not obstruct traffic sight lines as determined by the Village.

(B) *Parallel facilities located within highways:*

1. *Overhead parallel facilities:* An overhead parallel facility may be located within the right-of-way lines of a highway only if:
 - (a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
 - (b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 meters) behind the face of the curb, where available;
 - (c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 meters) outside the outer shoulder line of the roadway and are not within the clear zone;
 - (d) No pole is located in the ditch line of a highway; and
 - (e) Any ground mounted appurtenance is located within one foot (0.3 meters) of the right-of-way line or as near as possible to the right-of-way line.
2. *Underground parallel facilities:* An underground parallel facility may be located within the right-of-way lines of a highway only if:
 - (a) The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4 meters) from and parallel to the right-of-way line;
 - (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five feet (1.5 meters) from the right-of-way line and any above grounded appurtenance shall be located within one foot (0.3 meters) of the right-of-way line or as near as practicable.

(C) *Facilities crossing highways:*

1. *No future disruption* : The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
2. *Cattle passes, culverts, or drainage facilities*: Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
3. *Ninety degree crossing required*: Crossing facilities shall cross at or as near to a 90 degree angle to the centerline as practicable.
4. *Overhead power or communication facility*: An overhead power or communication facility may cross a highway only if:
 - (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "construction of electric power and communication lines" (83 Ill. Adm. Code 305);
 - (b) Poles are located within one foot (0.3 meters) of the right-of-way line of the highway and outside of the clear zone; and
 - (c) Overhead crossings at major intersections are avoided.
5. *Underground power or communication facility*: An underground power or communication facility may cross a highway only if:
 - (a) The design materials and construction methods will provide maximum maintenance free service life; and
 - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
6. *Markers*: The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current federal regulations (49 CFR Section 192.707 (1989)).

(D) *Facilities to be located within particular rights-of-way*: The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.(E) *Freestanding facilities*:

1. The Village may restrict the location and size of any freestanding facility located within a right-of-way.
2. The Village may require any freestanding facility located within a right-of-way to be screened from view.

(F) *Facilities installed aboveground*: Aboveground facilities may be installed only if:

1. No other existing facilities in the area are located underground;
2. New underground installation is not technically feasible; and
3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(G) *Facility attachments to bridges or roadway structures*:

1. Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
2. A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - (b) The type, length, value, and relative importance of the highway structure in the transportation system;
 - (c) The alternative routings available to the utility and their comparative practicability;
 - (d) The proposed method of attachment;
 - (e) The ability of the structure to bear the increased load of the proposed facility;
 - (f) The degree of interference with bridge maintenance and painting;
 - (g) The effect on the visual quality of the structure; and
 - (h) The public benefit expected from the utility service as compared to the risk involved.

(H) *Appearance standards:*

1. The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.
3. All communications facilities shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment, and aesthetic requirements which may be adopted by the Village from time to time, which may include restrictions relative to design and/or concealment measures in a Historic District or on historic landmarked property or within the Village's C5A Central Retail Core Zoning Subdistrict, but such design and/or concealment measures shall not have the effect of prohibiting any of a wireless services provider's technology and shall not be considered part of the small wireless facility for purposes of the determining height and/or volume restrictions on a communications facility.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017; Ord. 6608, 6-25-2018; Ord. 6674, 2-25-2019)

8-6-16. - Construction methods and materials.

(A) *Standards and requirements for particular types of construction methods:*

1. *Boring or jacking:*
 - (a) *Pits and shoring:* Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village Director of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or

jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

- (b) *Wet boring or jetting*: Wet boring or jetting shall not be permitted under the roadway.
 - (c) *Borings with diameters greater than six inches* : Borings over six inches (0.15 meters) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 millimeters).
 - (d) *Borings with diameters six inches or less*: Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
 - (e) *Tree preservation*: Any facility located within the drip line of any tree designated by the Village to be preserved or protected shall be bored under or around the root system.
2. *Trenching*: Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of section 603 of IDOT's "Standard Specifications For Road And Bridge Construction".
- (a) *Length*: The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe/line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Village Director of Public Works.
 - (b) *Open trench and excavated material*: Open trench and windrowed excavated material shall be protected as required by chapter 6 of the "Illinois Manual On Uniform Traffic Control Devices". Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off road location.
 - (c) *Drip line of trees*: The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
3. *Backfilling*:
- (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications For Road And Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
 - (b) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Director of Public Works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Director of Public Works.
4. *Pavement cuts*: Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this subsection (A)4 is permitted under section 8-6-21 of this chapter, the following requirements shall apply:
- (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Director of Public Works.
 - (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent

failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.

- (c) All saw cuts shall be full depth.
- (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a JULIE locate.

5. *Encasement:*

- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one piece fabrication or by welding or jointed installation approved by the Village.
- (b) The venting, if any, of any encasement shall extend within one foot (0.3 meters) of the right-of-way line. No aboveground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.
- (d) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.
- (e) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: 1) extra heavy pipe is used that precludes future maintenance or repair and 2) cathodic protection of the pipe is provided.
- (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

6. *Minimum cover of underground facilities:* Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type Of Facility	Minimum Cover
Electric lines	30 inches (0.8 m)
Communication, cable or video service lines	24 inches (0.6 m, as determined by Village)
Gas or petroleum products	30 inches (0.8 m)
Water line	Sufficient cover to provide freeze protection
Sanitary sewer, storm sewer, or drainage line	Sufficient cover to provide freeze protection

(B) *Standards and requirements for particular types of facilities:*

1. *Electric power or communication lines:*
 - (a) *Code compliance:* Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Illinois Administrative Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communication Lines", and the National Electrical Safety Code.
 - (b) *Overhead facilities:* Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guywires are equipped with guy guards for maximum visibility.
 - (c) *Underground facilities :*
 - (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.
 - (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: a) the crossing is installed by the use of "moles", "whip augers", or other approved methods which compress the earth to make the opening for cable installation or b) the installation is by the open trench method which is only permitted prior to roadway construction.
 - (3) Cable shall be grounded in accordance with the national electrical safety code.
 - (d) *Burial of drops:* All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snow drops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snow drops, within ten business days after placement.
2. *Underground facilities other than electric power or communication lines:* Underground facilities other than electric power or communication lines may be installed by:
 - (a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;
 - (b) Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
 - (c) Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - (d) Tunneling with vented encasement, but only if installation is not possible by other means.
3. *Gas transmission, distribution and service :* Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR Section 192), IDOT's "Standard Specifications For Road And Bridge Construction", and all other applicable laws, rules, and regulations.
4. *Petroleum products pipelines:* Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI standard code for pressure piping (liquid petroleum transportation piping systems ANSI-B 31.4).
5. *Water lines, sanitary sewer lines, storm water sewer lines or drainage lines:* Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications For Water And Sewer Main Construction In Illinois."

6. *Ground mounted appurtenances:* Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation free area extending one foot (305 millimeters) in width beyond the appurtenance in all directions. The vegetation free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Director of Public Works. With the approval of the Director of Public Works, shrubbery surrounding the appurtenance may be used in place of vegetation free area. The housing for ground mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C) *Materials:*

1. *General standards:* The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications For Road And Bridge Construction", the requirements of the Illinois commerce commission, or the standards established by other official regulatory agencies for the appropriate industry.
2. *Material storage on right-of-way:* No material shall be stored on the right-of-way without the prior written approval of the Village Director of Public Works. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.
3. *Hazardous materials:* The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) *Operational restrictions:*

1. Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
2. These restrictions may be waived by the Director of Public Works when emergency work is required to restore vital utility services.
3. Unless otherwise permitted by the Village, the hours of construction are those set forth in section 4-1-5 of this Code.

- (E) *Location of existing facilities:* Any utility proposing to construct facilities in the Village shall contact JULIE and ascertain the presence and location of existing aboveground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by JULIE, a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-17. - Vegetation control.

- (A) *Electric utilities; compliance with state laws and regulations:* An electric utility shall conduct all tree trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the Village as permitted by law.

- (B) *Other utilities; tree trimming permit required:* Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this chapter.
1. *Application for tree trimming permit:* Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
 2. *Damage to trees:* Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.
- (C) *Specimen trees or trees of special significance:* The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.
- (D) *Chemical use:*
1. Except as provided in the following subsection, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.
 2. Spraying of any type of brush killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Director of Public Works that such spraying is the only practicable method of vegetation control.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-18. - Removal, relocation, or modifications of utility facilities.

- (A) *Notice :* Within 90 days following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.
- (B) *Removal of unauthorized facilities :* Within 30 days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:
1. Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
 2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
 3. If the facility was constructed or installed without prior issuance of a required permit in violation of this chapter; or
 4. If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

- (C) *Emergency removal or relocation of facilities:* The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.
- (D) *Abandonment of facilities:* Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within 90 days. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Village Director of Public Works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.
- (E) *Relocation of Village utilities:* In the event that the Village decides to relocate underground all of the overhead utilities supported by a utility pole upon which a communications facility is located, the licensee of the communications facility shall decommission and remove all associated equipment, equipment cabinets, equipment shelters, antennas, wiring, cabling, conduits, cable covers, etc. that comprise the communications facility within 30 days written notice from the Village. All utility lines, cables or wiring, or portions thereof that service the affected communications facility and will be abandoned due to the decommissioning of the communications facility shall be removed by the licensee of the communications facility.
- (F) *Interference with public project improvements:* In the event the Village undertakes a public improvement requiring the moving a utility pole on which a communications facility is located, all such relocation work and expenses shall be borne by the utility pole user including, but not limited to the Licensee of the communications facility.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-19. - Cleanup and restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within ten days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Village Director of Public Works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the Village Director of Public Works for good cause shown.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-20. - Maintenance and emergency maintenance.

- (A) *General:* Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.
- (B) *Emergency maintenance procedures:* Emergencies may justify noncompliance with normal procedures for securing a permit:
 1. If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on

the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

2. In an emergency, the utility shall, as soon as possible, notify the Village Director of Public Works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified immediately.
 3. In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.
- (C) *Emergency repairs*: The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.
- (D) Communications sites and facilities including, but not limited to all landscaping, fencing and related transmission equipment shall be maintained in accordance with the approved plans and conditions for approval, and in accordance with the Village's building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety, and structurally sound and in good repair to prevent deterioration of the pole, peeling paint, loose structural or electrical connections or attachments, and unwarranted equipment noise. The Telecommunications Provider shall provide the Village with a minimum forty-eight (48) hours' notice prior to start of any routine maintenance. Notification shall be provided to the Director of the Public Works Department.
- (E) Within 30 days of the newly installed or modified communications facility's first receipt or transmission of communications signals, and on a quarterly basis thereafter, the licensee of the communications facility shall submit to the Village a certified written report from a consultant approved by the Village of Glen Ellyn which indicates that the level of total electronic transmissions from the communications facility does not exceed the maximum permitted electronic transmission exposure limit for general population/uncontrolled permitted by any federal [or] state regulatory agency at the time of issuance of the permit. The quarterly report shall state whether each of the Telecommunications Provider's communications facilities operated within the Village are compliant with the Federal Communications Commission's radio frequency emission limits for the immediately prior quarterly reporting period. The certified quarterly report shall be delivered to the Village Manager no later than the 30th day of the month following the end of the calendar quarter.
1. Radiofrequency field testing shall be performed at and around the site of the communications facility in accordance with the current edition of the Federal Communications Commission Office of Engineering and Technology (OET) Bulletin 65 for on-site testing. Points of interest shall be selected to measure the power density at areas including, but not limited to the following locations:
 - (a) Persons passing by the communications facility.
 - (b) At the closest exterior wall of the nearest residential dwelling unit to the communications facility, taken at a height of two meters above the first floor level and one meter above any second or third floor level.
 - (c) For rooftop communications facilities, within any occupiable room directly beneath or directly behind antennas of such installations, taken at a height of two meters above the occupiable floor level immediately below the RAD center of the antennas.
 - (d) For communications facilities with wall-mounted antennas, within any occupiable room directly above and below such antenna installations, taken at a height of two meters above the floor level immediately above and below the rad center of the antennas
- (F) *Radio Frequency Compliance*: Telecommunications Providers shall comply with the Federal Communications Commission's (FCC) radio frequency emissions standards at all times. Telecommunications Providers shall perform on-going monitoring of communications facilities to ensure all equipment continues to operate within allowable FCC radio frequency emission ranges and shall, on a quarterly basis, provide to the Village a written certification, prepared by an Illinois licensed Professional

Engineer, with supporting information confirming whether all of the wireless provider's small wireless facilities within the Village operated in compliance with all FCC radio frequency emission limits during the quarterly reporting period. The certified quarterly report shall be delivered to the Village Manager by the thirtieth (30th) of the month following the end of the calendar quarter.

Telecommunications Providers shall, upon request of the Village at any time, perform radio frequency testing of any or all communications facilities, provide such testing results to the Village, and shall promptly respond to all Village requests for information and/or cooperation with respect to any of the foregoing. Village staff may, at the Village's option, accompany the wireless provider or its agents in the performance of such testing. The Village has the right, but not the obligation, to employ a qualified radio frequency engineer to conduct annual random and unannounced testing of permitted communications facilities to determine their compliance with all FCC radio frequency emission limits. In the event the Village decides to perform its own testing, the Telecommunications Provider shall allow the Village or its designee to have supervised access to the areas near the communications facility for inspections and field measurements. Any communications facility found not to comply with FCC radio frequency emission standards shall be immediately reported by the Telecommunications Provider to the FCC, with a copy of such report sent at the same time to the Village Manager, and shall be powered-down, adjusted, repaired, and/or replaced, or shut off and/or removed by the Telecommunications Provider within three (3) calendar days of the provider becoming aware of the violation.

Communications facilities that exceed the FCC's radio frequency emissions standards are declared a public nuisance, and may be summarily abated by the Village. Failure by a Telecommunications Provider to cure a violation of the FCC radio frequency emission standards within three (3) calendar days shall result in a revocation of the applicable communications facility permit, and/or a citation for maintaining a public nuisance with a fine in the amount of seven hundred and fifty dollars (\$750), with each day of continued operation without cure being a separate violation. In the event the Village determines a communications facility is not in compliance with any legal requirements or conditions related to radio frequency, the Telecommunications Provider shall, in addition to the foregoing, be responsible for all costs and expenses incurred by the Village in connection with the investigation, testing, enforcement and/or remediation of such noncompliance.

(G) Utility equipment located in the public right-of-way and in residentially zoned districts shall be operated in such a manner so as to minimize any possible disruption to residents and occupants of nearby buildings caused by noise.

1. Within 30 days of the newly installed or modified communications facility's first receipt or transmission of communications signals, the Telecommunications Provider shall submit a written report that analyzes acoustic levels for the communications facility and all associated equipment including, without limitation, all environmental control units, sump pumps, temporary backup power generators and, and permanent backup power generators in order to demonstrate compliance with applicable Village noise regulations, including, but not limited to, chapter 10-5-13. The acoustic analysis must be prepared and certified by an Illinois Licensed Professional Engineer and include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of a written report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.
2. Backup generators, if needed, shall only be operated during periods of power outages, and for no more than one weekly testing period not to exceed fifteen (15) minutes, and shall not be tested on weekends or legal holidays, or between the hours of 5:00 p.m. and 7:00 a.m.
3. Except during periods of power outages, or during testing authorized pursuant to paragraph G.2 above, at no time shall any utility facility in a residentially zoned area be permitted to exceed 45 dBA or any other applicable noise levels imposed by codes adopted by the Village.

(H) The communications facility licensee shall remove any graffiti on the facility at the Licensee's sole expense within 72 hours of receipt of a written notice to remove the graffiti.

- (I) **Public Safety Technology:** A Telecommunications Provider's operation of a communications facility may not interfere with the frequencies used by a public safety agency for public safety communications. A Telecommunications Provider must install communications facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment. Unacceptable interference is determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licenses by a public safety agency.

If a communications facility causes such interference, and the Telecommunications Provider has been given written notice of the interference by the public safety agency, the Telecommunications Provider, at its own expense, shall take all reasonable steps necessary to correct and eliminate the interference, including, but not limited to, powering down the communications facility and later powering up the communications facility for intermittent testing, if necessary.

The Village may terminate a permit for a communications facility based on such interference if the Telecommunications Provider is not making a good faith effort to remedy the problem in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC, including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675. The burden to establish the good faith effort shall be on the Telecommunications Provider, which shall timely deliver to the Village all information necessary to demonstrate its efforts to resolve the interference consistent with the Code of Federal Regulations sections cited above. Failure to remedy the interference as required herein shall constitute a public nuisance and the communications facility may be abated through the procedures for abatement of such nuisances set forth in this code. (Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-21. - Variances.

- (A) *Request for variance:* A utility requesting a variance from one or more of the provisions of this chapter must do so in writing to the Village Director of Public Works as a part of the permit application. The request shall identify each provision of this chapter from which a variance is requested and the reasons why a variance should be granted.
- (B) *Authority to grant variances:* The Village Director of Public Works shall decide whether a variance is authorized for each provision of this chapter identified in the variance request on an individual basis.
- (C) *Conditions for granting of variance:* The Village Director of Public Works may authorize a variance only if the utility requesting the variance has demonstrated that:
1. One or more conditions not under the control of the utility (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
 2. 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 Village Director of Public Works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this chapter but which carry out the purposes of this chapter.
- (E) *Right to appeal:* Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Village Director of Public Works under the provisions of

this chapter shall have the right to appeal to the Village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village clerk within 30 days after the date of such order, requirement, decision or determination. The Village board shall commence its consideration of the appeal at the board's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The Village Board shall timely decide the appeal.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-22. - Penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)

8-6-23. - Enforcement.

Nothing in this chapter shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this chapter.

(Ord. 5621, 10-22-2007; Ord. 6494, 6-26-2017)



Glen Ellyn Village Board
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 04/27/20 07:00 PM
Department: Glen Ellyn Village Board
Department Head: William Holmer
Category: Discussion Item
Prepared By: William Holmer

SCHEDULED

AGENDA ITEM (ID # 4452)

DOC ID: 4452

**Assistant Village Manager Holmer will facilitate a discussion
regarding the progress of the Civic Center Parking Garage Project
with respect to current events.**

Background

As you know, in 2018, the Village embarked upon a project to build a parking garage behind the Civic Center. We have completed the design phase of the project and we are scheduled to begin construction this Spring/Summer with a completion date expected in February 2021. However, the current situation involving COVID-19 and its impact on the economy has created cause for us to reevaluate our plans. The impact of this pandemic on Village revenue streams and the bond market has changed the landscape from when the Board initially decided to move forward with the project. For this reason, staff is prepared to provide the Board with options that may be considered regarding postponing or moving ahead with the project. The intent of this discussion is to provide some additional background regarding timelines and financial commitments that we are approaching to assist the Board to make a decision as to whether a change in our course of action is necessary.

Subject

Mortenson is proceeding ahead with the demolition of the Village-owned building at 423/425 N. Main Street and undergrounding the utilities in the rear parking lot of the Civic Center. It was determined early in the deliberations about the garage project that the pedestrian connection created at this location would be beneficial with or without a garage. Given the condition of the two buildings planned to be demolished and the willingness to create better access to the existing parking, this part of the project is moving ahead.

Current Expenditures

After the demolition and utility relocation is complete, the Village will have expended approximately \$3 million on the project. This includes design, permitting, engineering costs, and the demolition/utility work. However, it does not include costs incurred outside of the Guaranteed Maximum Price (GMP) regarding easements, acquisition of the 423/425 N. Main structure, etc. which amount to approximately \$1 million. Please recall that the GMP was set at just over \$16.1 million (again, exclusive of the aforementioned \$1 million).

Buy-Out Savings

We have realized approximately \$365,000 in buy-out savings on the Mortensen GMP to-date. Buy-out savings reflect the actual bid award to a sub-contractor compared to what was allocated as part of the GMP budget. Our contract with Mortenson outlines a shared split of buy-out savings of 70% to the Village and 30% to Mortenson. However, given the current market conditions, Mortenson

has offered to forego their 30% of the initial buy-out savings to-date. However, future savings would revert to the agreement. This can be looked at as simply subtracting \$365,000 from the GMP, effectively making the GMP approximately \$15.8 million.

It is unknown how much additional buy-out savings there might be going forward or whether the initial buy-out savings would continue to be there for us if the project was postponed for a longer period of time. Staff and the Mortenson team have evaluated the potential for cost savings on the project through “value engineering” portions of the structure. Unfortunately, there are not many opportunities to value engineer the structure. The one exception is a \$1 million savings to reduce the structure by one level. However, that would effectively reduce the number of parking spaces within the garage to approximately 215. This certainly impacts usability of the garage along with the per space cost if you are inclined to consider cost per space.

Upcoming Commitments

Should the project be expected to remain on schedule we will be expected to “release” rebar and foundation work by early May which will commit us to spending \$140,000. By July 1st, we will be expected to commit to the precast work which will commit us to \$3.7 million. Should we decide to postpone the project now, we would not be committed to those costs. However, it is important to understand that we would likely seek bids from subcontractors again at the time we chose to re-engage the project, and the bids could be different (positive or negative impact to the Village).

Options

The Village Board has several options in proceeding with this project:

Eliminate the project

Should we eliminate the project we will have spent approximately \$3.2 million in design fees, engineering fees, demolition of 423 N. Main, and undergrounding utilities (excluding easements and property acquisition).

Postpone 3 months (begin in August)

We can expect this to cost an additional \$185,000 due to winter conditions and increases in labor cost. We would need to decide to procure the steel for the earth retention system by July 1st which will commit the Village to a \$200,000 expense. We could maintain the buy-out savings with this timeline.

Postpone 4 months (Begin in September)

We can expect this to cost an additional \$300,000 due to winter conditions and an increased amount of time at higher labor costs. We would need to decide to procure the steel for the earth retention system by July 20th which will commit the Village to a \$200,000 expense. We believe we could maintain the buy-out savings with this timeline if the Village was firm on the timing.

Postpone until spring of 2021 (begin March 2021)

We can expect this to cost an additional \$280,000 due to increased labor costs; however, the cost for winter conditions will be eliminated. Mortenson would attempt to have the sub-contractors hold

their bid numbers until this time, but would plan to re-bid if the bids changed. Depending on what happens in the market, the smart play could be to re-bid regardless.

The Board may also want to consider other factors in conjunction with this decision, such as:

- Timing of other projects and events such streetscape, Apex 400, and Frida which has been rescheduled for June 2021.
- Benefit of completing the project while business is slow thereby reducing impact to businesses.
- Negative appearance of spending on a high-cost project during economic uncertainty.
- Economic uncertainty of return of revenues.
- Positive influence of stimulating the economy through this project.

Budget Impact

An important consideration in whether to move forward with the parking garage is the impact of Covid-19 both on the Capital Projects Fund revenues and the ability to issue additional bonds through the bond market.

At this time, there is uncertainty in the bond market. It is completely possible we could go to market and issue bonds with no problem. It is also completely possible that we go to market and market issues exist that delay the sale. There are instances during this crisis where communities have successfully issued bonds. However, doing so requires patience and timing.

The next factor is the ability to generate revenues to pay the debt service both on the debt issued in 2018 and the debt that the Village would be issuing in 2020. The Village had planned to issue another \$9.5 million in bonds in 2020 to pay for the remainder of the parking garage and a portion of the Central Business District (CBD) Street and Streetscape project. The annual debt service on this issue was estimated at \$686,000.

At the April 13, 2020, Village Board meeting, staff shared projections on the impact of Covid-19 on the Capital Projects Fund. Those projections showed a loss of \$250,000 to \$1.4 million for 2020 based upon the duration of the Covid-19 event. A copy of this analysis is attached (Attachment B).

Professional Engineer Daubert has drafted a memo (Attachment A) which outlines some highlights of a revised 10 year capital plan. Staff has incorporated updated revenue projections into an updated 10-year capital plan. Staff has prepared two iterations of this plan. One iteration (Attachment C) contemplates deferring the bond issue to 2021, but moving forward with the parking garage. The purpose of showing this exhibit would be to illustrate for the Village Board what the impact would be of moving forward with the garage and not being able to issue bonds to do so. It is important to note that in this scenario, there would be less flexibility to be able to use capital dollars to supplement operating funds, if necessary.

The second iteration (Attachment D) contemplates issuing bonds in 2020 and completing the garage. In this case, the Capital Projects Fund would still maintain a positive balance through the end of 2024. However, to be clear, the positive balance would be maintained by dipping into fund

balance that would have been used for the street and other programs. The revenues from the food and beverage tax in 2021 and 2022 would not be enough to cover the debt service on the bonds for these projects. A forecast of debt service payments versus dedicated revenues has been prepared and attached to this agenda item (Attachment E). This shows that given the revised revenue projections, the shortfall would be \$1.5 million over 10 years. To be clear, what this means is that the Capital Projects Fund budget would be adjusted to make up the average annual difference of \$143,000. This would mean that savings would need to be realized in other projects or the scope of projects would need to be reduced to make the Capital Projects Fund budget balance.

From a financial perspective, staff is recommending postponing any decision on the parking garage until June 2020 and then re-evaluating if and when to move forward with the parking garage. There is too much uncertainty in the Village's revenue streams and the financial impact of Covid-19 to commit such a large sum of money on a project. It is important that the Village retains flexibility. If Covid-19 lengthens, it may be required to use capital funds to supplement operating funds. This is not something that the Village wishes to do and would likely only be used as a last resort. However, it is important to be fiscally responsible in light of so many unknowns.

Strategic Plan Initiatives

The project fulfills the following Village of Glen Ellyn Strategic Initiative:

Strategic Issue I: INFRASTRUCTURE. Invest in infrastructure to meet key needs, including downtown accessibility, Village facilities, streets, utility, and technology improvements.

Goal: Evaluate parking garage alternatives as well as economic development partnerships that would increase parking in the downtown by October 2019. Village Board provided further direction to proceed with plans to construct a parking garage behind the Civic Center by July 2020.

Recommendation

Considering the current budget situation and economic uncertainty regarding revenues, staff believes that the prudent course of action is to postpone the project after the demolition and utility work is complete. Staff recommends that the Village Board revisit the status of the garage project in June to determine if moving forward in August or September would be prudent.

Action Requested

The Board may consider several options including:

- Continue with construction as planned.
- Postpone construction for a defined period of time.
- Eliminate the project.

This information has been provided to give the Board an opportunity to consider options related to

the project in conjunction with the current financial picture. Staff is requesting direction from the Board in order to properly direct the contractor.

ATTACHMENTS:

- Attachment A: Memo from Professional Engineer Daubert on 10 Year Capital Plan (PDF)
- Attachment B: Capital Projects Fund Covid19 Projections (PDF)
- Attachment C: Capital Projects Fund 10 Year Plan with Deferred Bond Issue (PDF)
- Attachment D: Capital Projects Fund 10 Year Plan with Bond Issue (PDF)
- Attachment E: Debt Service and Funding Projections (PDF)



MEMORANDUM

TO: Mark Franz, Village Manager
Christina Coyle, Finance Director

FROM: Rich Daubert, Professional Engineer

DATE: April 23, 2010

RE: Capital Plan Update and Expansion to 10-Year Plan

Introduction

Staff has historically developed and updated the Village's 5-Year Capital Plan as part of the annual budget process. However, given the ongoing COVID-19 Pandemic and its financial implications on the Village, staff has revisited the Capital portion of the plan at this time.

The plan has been updated to reflect adjusted schedules for projects that were planned for implementation in 2020, but recommended for deferral to exercise caution in a fiscally challenging time for the Village. These changes are generally consistent with the document that was included in the materials for the April 13, 2020 Village Board Meeting. Minor changes were made to reflect awarded Contract Amounts since the meeting, specifically for the sidewalk and street repair program.

While subject to further discussion with the Village Board, the CBD Streetscape Project was pushed back a few years in the plan with utility work commencing in 2023 and the project shown for completion in 2026. The Metra Station project was also adjusted to the 2024-2025 timeframe, coinciding with grants as well as construction of CBD improvements, particularly on Crescent Boulevard.

The plan has also been expanded to include additional out years, making it a 10-Year Plan. Staff cautions that the out years are less reliable in terms of accuracy as they do not include what are unforeseeable priorities or needs for the Village at this time. However, the plan as updated does include some provisions for unidentified non-roadway and roadway related projects.

Revenues have been adjusted to reflect staff's current estimated short term impacts of the Pandemic. Additionally, two scenarios have been developed to show the issuance of municipal bonds to advance all projects. Staff recognizes that these scenarios do not fit within the Village's financial resources, as assumed in the plan. However, this is a document that the Village Board and Staff can utilize to support any short term decisions to be made regarding issuing bonds and advancing projects.

Executive Summary of 10-Year Capital Plan Projects

Highlights of the \$132M (Capital Portion Only) plan projects include:

- \$80M for the maintenance and rehabilitation of approximately 52 centerline miles of Village Roadways. A further breakdown includes the following:
 - o \$53M towards planned roadway rehabilitation from resurfacing to reconstruction
 - o \$19M towards the CBD Roadway and Streetscape Improvements
 - o \$5.5M towards pavement preservation (cracksealing, patching, pavement condition and planning assessments)
 - o \$2.5M towards unidentified roadway improvements
- \$25M for the Metra Station and Multimodal Access Improvements Project. The project cost has been updated to reflect potential cost escalation and scope creep. However, the project funding has been recently increased with grant funding currently at \$20.4M. Additional funding will be pursued as future grant opportunities are available.
- \$16M for remaining costs associated with the Civic Center Parking Garage.
- \$7M for various drainage, lighting, sidewalk, and traffic initiatives.
- \$3M for various professional service expenditures and employee salaries
- \$1M for contributions to Development Initiatives

Some items to note from the Public Works and Engineering Perspectives

- With the exception of the Central Business District project and local road reconstruction projects, there is somewhat limited opportunity to reduce costs for the road program without deferring work and thereby compromising pavement condition and service levels. This is based on the majority of the street rehabilitation work planned for the next 10 years being primarily resurfacing in terms of scope.
- The Village has expressed past interest in contributing towards some projects such as:
 - o East Branch DuPage River Trail: The plan includes a \$100,000 contribution towards engineering and pursuit of grants. However, no additional funds are provided for construction.
 - o Roosevelt Road Streetscape/Beautification: While grants could substantially fund this project, no funding is provided in the current 10-year plan towards this initiative.
- The plan currently reflects only those grant funding sources which have been secured. There does lie the opportunity to secure additional grants for projects from. Staff has and will continue to apply for these opportunities. Staff has been successful with several applications but cautions that grants are competitive in nature with more and more agencies relying on them for implementation of their capital projects.

Summary of Revenue Assumptions

Staff has adjusted revenues to reflect its current estimated changes due to COVID-19. Staff cautions that the impacts are assumed to be more short term with the long-term implications of the situation unknown.

Bond Issuance Scenarios

Two scenarios have been developed, one in which the Village issues bonds as planned and one where the issuance of bonds is deferred. This depiction has been done to highlight possible scenarios for the parking garage. Another scenario is deferring the issuances of bonds and also defer the parking garage.

Action Requested

Staff intends to present and discuss this information with the Village Board at its April 27th Regular Meeting. The goal is to provide this information to the Village Board as to facilitate more imminent decisions encircling the Civic Center Parking Garage Project.

VILLAGE OF GLEN ELLYN
CAPITAL PROJECTS FUND
COVID-19 REVENUE REDUCTION PROJECTIONS

ORG	OBJECT	ACCOUNT DESCRIPTION	2020 BUDGET	Reductions				Assumptions
				1 month Best	3 month Likely 1	6 month Likely 2	9 month Worst	
4000	CAPITAL PROJECTS REVENUES							
4000	410100	PROPERTY TAX	3,913,031	-	-	-	-	Adjustment not due to Covid-19. 2020 budget was likely too high. This revenue continues to decline.
4000	410500	TELECOMMUNICATIONS TAX	613,000	(50,000)	(50,000)	(50,000)	(50,000)	
4000	410510	ELECTRICITY USE TAX	950,000	-	-	-	-	
4000	410520	NATURAL GAS USE TAX	350,000	-	-	-	-	
								Assumes proportional decrease based on number of months. Worst case scenario is the lowest RETT revenue went in 2008/2009 recession which largely affected the real estate market
4000	410600	REAL ESTATE TRANSFER TAX	750,000	(62,500)	(187,500)	(375,000)	(387,057)	
4000	410850	FOOD AND BEVERAGE TAX	1,300,000	(108,333)	(325,000)	(650,000)	(975,000)	Decrease proportionate to number of months of "stay-at-home" order
								Grant related to projects; if project does not move forward grant is not received. Not shown in analysis as it would net with an expense
4000	430100	FEDERAL GRANT REVENUE	863,563	-	-	-	-	
4000	440400	STORMWATER ORDINANCE FEE	143,675	-	-	-	-	Interest rates are near zero and this assumes that no matter the length of COVID, rates will be kept low.
4000	460100	INVESTMENT INCOME	90,000	(30,000)	(30,000)	(30,000)	(30,000)	
								Bonds are related to the parking garage. If project does not move forward then bonds will not be issued. Not shown in this analysis as it would net with an expense
4000	480450	BOND PROCEEDS	9,500,000	-	-	-	-	
4000	489000	MISCELLANEOUS REVENUE	80,000	-	-	-	-	
TOTAL	CAPITAL PROJECTS REVENUES		18,553,269	(250,833)	(592,500)	(1,105,000)	(1,442,057)	

Note: Lowest revenues for RETT were in 2009 (\$362,943) and 2010 (\$375,097)

CAPITAL PROJECTS FUND
10 YEAR PLAN - WITH DEFERRED BOND ISSUE

Capital Fund		CY2020 FORECAST	CY2021 FORECAST	CY2022 FORECAST	CY2023 FORECAST	CY2024 FORECAST	CY2025 FORECAST	CY2026 FORECAST	CY2027 FORECAST	CY2028 FORECAST	CY2029 FORECAST	CY2030 FORECAST
Revenues:												
	Property Taxes	\$ 3,913,031	\$ 3,991,292	\$ 4,071,117	\$ 4,152,540	\$ 4,235,591	\$ 4,320,302	\$ 4,406,708	\$ 4,494,843	\$ 4,584,739	\$ 4,676,434	\$ 4,769,963
	Food and Beverage Tax	\$ 650,000	\$ 650,000	\$ 975,000	\$ 975,000	\$ 1,191,000	\$ 1,300,000	\$ 1,326,000	\$ 1,352,520	\$ 1,379,570	\$ 1,407,162	\$ 1,435,305
	Drainage Infrastructure Fee	143,675	143,675	143,675	143,675	143,675	143,675	143,675	143,675	143,675	143,675	143,675
	TIF Contributions to Capital Projects	-	75,000	75,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
	Parking Fund Contributions to Capital Projects	-	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
	General Obligation Bond for CBD Projects		9,500,000	-	-	6,780,000	-	-	-	-	-	-
	Telecommunications Tax	563,000	551,740	540,705	529,891	519,293	508,907	498,729	488,755	478,980	469,400	460,012
	Electricity Use Tax	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000
	Natural Gas Use Tax	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000
	Real Estate Transfer Tax	375,000	382,500	750,000	765,000	780,300	795,906	811,824	828,061	844,622	861,514	878,745
	Grant Revenue	863,563	-	475,000	-	7,200,000	13,200,000	-	-	-	-	-
	Forfeiture Funds - To reimburse police station project (if funds are available)	100,000	100,000	100,000	-	-	-	-	-	-	-	-
	MFT (One Time Transfer)	-	-	2,000,000	-	-	-	-	-	-	-	-
	General Fund (One Time Transfer)	-	-	2,000,000	-	-	-	-	-	-	-	-
	Miscellaneous Income	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000
	Interest Income	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000
	Total Revenues	\$ 8,078,269	\$ 16,939,207	\$ 12,675,498	\$ 8,261,106	\$ 22,544,859	\$ 21,963,791	\$ 8,881,937	\$ 9,002,853	\$ 9,126,586	\$ 9,253,185	\$ 9,382,700
Expenditures:												
Non-Roadway Construction Projects:												
	Minor capital investmt/other expenditures	\$ 22,500	\$ 23,200	\$ 23,900	\$ 24,600	\$ 25,300	\$ 26,100	\$ 26,900	\$ 27,700	\$ 28,500	\$ 29,400	\$ 30,300
	Placeholder for Unidentified Non-Roadway Projects		\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
	Village Green Storm Sewer Replacement	286,000	-	-	-	-	-	-	-	-	-	-
GF	Lake Road Undergrounding	-	-	-	-	-	-	-	-	-	-	-
	Hill Avenue Bridge	30,500	-	-	-	-	-	-	-	-	-	-
	Hill Avenue Utility Sewer and Water (Phase I)	-	200,000	-	-	-	-	-	-	-	-	-
	Cumnor Water and Sewer Utility Extensions	105,000	-	-	-	-	-	-	-	-	-	-
	Royal Glen Infrastructure Improvements	-	125,000	-	-	-	-	-	-	-	-	-
	McKee House	75,000	-	-	-	-	-	-	-	-	-	-
	Saint Charles Road Salt Storage Facility	-	-	-	-	-	-	-	-	-	-	-
	Street Lighting Improvements - 5 Corners	-	-	-	-	-	-	-	-	-	-	-
	Street Lighting Improvements - Roosevelt Road	-	-	-	-	-	-	-	1,952,766	-	-	-
	Street Lighting Improvements - Replacements and Requests	76,000	15,000	15,000	15,000	15,000	75,000	15,000	15,000	15,000	15,000	75,000
	Horse Trough	-	-	-	-	-	-	-	-	-	-	-
	Stormwater Drainage Improvements Program	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
	Traffic Studies and Improvements	25,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
	Wayfinding Signage	63,000	200,000	-	-	-	-	-	-	-	-	-
	East Branch Trail Feasibility Study Contribution	-	100,000	-	-	-	-	-	-	-	-	-
	Special Engineering Projects											
	Parking Garage (Transfer to Parking Fund)	16,000,000	-	-	-	-	-	-	-	-	-	-
GF	Taylor Avenue Pedestrian Tunnel	938,399	-	-	-	-	-	-	-	-	-	-
	Train Station/Pedestrian Underpass	230,000	1,000,000	1,000,000	3,000,000	10,000,000	10,000,000	-	-	-	-	-
	CBD Over/Underpass Feasibility Study	-	-	-	-	-	-	-	-	-	-	-
	Developer Capital Improvements (CBD)	200,000	50,000	200,000	50,000	200,000	50,000	50,000	50,000	50,000	50,000	50,000
	Civic Center HVAC Project	-	-	-	-	-	-	-	-	-	-	-
GF	Sidewalk Program	141,800	260,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
	IDOT Crosswalks	-	-	-	-	-	-	-	-	-	-	-
	Illinois Route 38 Streetscape Improvements	-	-	-	-	-	-	-	-	-	-	-
	subtotal non-roadway	18,218,199	2,098,200	1,513,900	3,364,600	10,515,300	10,426,100	366,900	2,320,466	368,500	369,400	430,300
Roadway Rehabilitation Program												
	Placeholder for Unidentified Roadway Projects	-	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250000
	Pavement Preservation Program	195,000	250,000	250,000	250,000	250,000	300,000	300,000	300,000	300,000	300,000	300,000
	Pavement Condition Survey	-	50,000	-	-	-	50,000	-	-	-	50,000	-
	Baker Hill Ingress/Egress Improvements	-	-	-	-	-	-	-	-	-	-	-
GF	Crescent Boulevard Reconstruction	423,238	-	-	-	-	-	-	-	-	-	-
	2016 and 2017 Street Resurfacing	-	-	-	-	-	-	-	-	-	-	-
	2018 Street Resurfacing	-	-	-	-	-	-	-	-	-	-	-
	Kenilworth-Alley Improvements	-	-	-	-	-	-	-	-	-	-	-
GF	North Park/Main Street Improvements	412,071	-	-	-	-	-	-	-	-	-	-
	2020 Street Program 20001	152,036	2,534,146	2,490,958	-	-	-	-	-	-	-	-
	2020 Street Program 20002	1,359,057	-	-	-	-	-	-	-	-	-	-
	Scott Clifton Cumnor Street Rehabilitation	-	-	-	-	-	-	-	-	-	-	-
	Future Street Resurfacing/Reconstruction Projects	-	5,361,062	4,181,092	3,261,173	2,821,539	4,823,364	5,343,621	6,492,088	6,474,142	3,817,072	2,958,768
	Concrete Street Patching and Rehabilitation Program	225,000	100,000	500,000	550,000	300,000	450,000	-	100,000	-	100,000	-
	CBD Underground Improvements Study	-	-	-	-	-	-	-	-	-	-	-
	CBD Streetscape and Utility Improvements	800,000	-	-	1,248,480	8,323,200	6,242,400	2,080,800	-	-	-	-
	IFT / General Fund Engineering	218,600	223,000	227,000	232,000	237,000	242,000	247,000	252,000	257,000	262,000	267,000
	IFT/ Food and Beverage Collection Cost	50,000	51,500	53,045	54,636	56,275	-	-	-	-	-	-
	subtotal road program	3,835,002	8,819,708	7,952,095	5,846,289	12,238,014	12,357,764	8,221,421	7,394,088	7,281,142	4,779,072	3,775,768
	Total Improvements - Capital Projects Fund	\$ 22,053,201	\$ 10,917,908	\$ 9,465,995	\$ 9,210,889	\$ 22,753,314	\$ 22,783,864	\$ 8,588,321	\$ 9,714,554	\$ 7,649,642	\$ 5,148,472	\$ 4,206,068
	Bond Repayment - 2015 Police Station Bonds	\$ 956,494	\$ 954,544	\$ 957,144	\$ 954,143	\$ 955,694	\$ 956,644	\$ 956,994	\$ 956,744	\$ 955,894	\$ 952,656	\$ 952,850
	Bond Repayment - 2018 Capital Project Bonds	\$ 678,469	\$ 682,219	\$ 680,519	\$ 678,519	\$ 681,219	\$ 683,469	\$ 680,469	\$ 681,769	\$ 682,819	\$ 683,419	\$ 678,569
	Bond Repayment - 2020 Capital Project Bonds (est.)	\$ -	\$ 343,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000
	Bond Repayment - 2022 Capital Project Bonds (est.)	\$ -	\$ -	\$ -	\$ -	\$ 251,000	\$ 502,000	\$ 502,000	\$ 502,000	\$ 502,000	\$ 502,000	\$ 502,000
	Total Expenditures - Capital Projects Fund	\$ 23,688,164	\$ 12,897,671	\$ 11,789,658	\$ 11,529,551	\$ 25,327,227	\$ 25,611,977	\$ 11,413,784	\$ 12,541,067	\$ 10,476,355	\$ 7,972,547	\$ 7,025,487
	Change in Fund Balance, Capital Projects Fund	\$ (15,609,895)	\$ 4,041,536	\$ 885,840	\$ (3,268,445)	\$ (2,782,369)	\$ (3,648,186)	\$ (2,531,847)	\$ (3,538,214)	\$ (1,349,769)	\$ 1,280,638	\$ 2,357,213
	Capital Projects Fund Balance, Beginning of Year	\$ 20,540,361	\$ 4,930,466	\$ 8,972,002	\$ 9,857,842	\$ 6,589,396	\$ 3,807,028	\$ 158,841	\$ (2,373,006)	\$ (5,911,220)	\$ (7,260,988)	\$ (5,980,350)
	Capital Projects Fund Balance, End of Year	\$ 4,930,466	\$ 8,972,002	\$ 9,857,842	\$ 6,589,396	\$ 3,807,028	\$ 158,841	\$ (2,373,006)	\$ (5,911,220)	\$ (7,260,988)	\$ (5,980,350)	\$ (3,623,137)

CAPITAL PROJECTS FUND											
10 YEAR PLAN - WITH BOND ISSUE											
Capital Fund	CY2020 FORECAST	CY2021 FORECAST	CY2022 FORECAST	CY2023 FORECAST	CY2024 FORECAST	CY2025 FORECAST	CY2026 FORECAST	CY2027 FORECAST	CY2028 FORECAST	CY2029 FORECAST	CY2030 FORECAST
Revenues:											
Property Taxes	\$ 3,913,031	\$ 3,991,292	\$ 4,071,117	\$ 4,152,540	\$ 4,235,591	\$ 4,320,302	\$ 4,406,708	\$ 4,494,843	\$ 4,584,739	\$ 4,676,434	\$ 4,769,963
Food and Beverage Tax	\$ 650,000	\$ 650,000	\$ 975,000	\$ 975,000	\$ 1,191,000	\$ 1,300,000	\$ 1,326,000	\$ 1,352,520	\$ 1,379,570	\$ 1,407,162	\$ 1,435,305
Drainage Infrastructure Fee	143,675	143,675	143,675	143,675	143,675	143,675	143,675	143,675	143,675	143,675	143,675
TIF Contributions to Capital Projects	-	75,000	75,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
Parking Fund Contributions to Capital Projects	-	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
General Obligation Bond for CBD Projects	9,500,000	-	-	-	6,780,000	-	-	-	-	-	-
Telecommunications Tax	563,000	551,740	540,705	529,891	519,293	508,907	498,729	488,755	478,980	469,400	460,012
Electricity Use Tax	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000
Natural Gas Use Tax	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000
Real Estate Transfer Tax	375,000	382,500	750,000	765,000	780,300	795,906	811,824	828,061	844,622	861,514	878,745
Grant Revenue	863,563	-	475,000	-	7,200,000	13,200,000	-	-	-	-	-
Forfeiture Funds - To reimburse police station project (if funds are available)	100,000	100,000	100,000	-	-	-	-	-	-	-	-
MFT (One Time Transfer)	-	-	2,000,000	-	-	-	-	-	-	-	-
General Fund (One Time Transfer)	-	-	2,000,000	-	-	-	-	-	-	-	-
Miscellaneous Income	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000
Interest Income	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000	90,000
Total Revenues	\$ 17,578,269	\$ 7,439,207	\$ 12,675,498	\$ 8,261,106	\$ 22,544,859	\$ 21,963,791	\$ 8,881,937	\$ 9,002,853	\$ 9,126,586	\$ 9,253,185	\$ 9,382,700
Expenditures:											
Non-Roadway Construction Projects:											
Minor capital investment/other expenditures	\$ 22,500	\$ 23,200	\$ 23,900	\$ 24,600	\$ 25,300	\$ 26,100	\$ 26,900	\$ 27,700	\$ 28,500	\$ 29,400	\$ 30,300
Placeholder for Unidentified Non-Roadway Projects	-	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Village Green Storm Sewer Replacement	286,000	-	-	-	-	-	-	-	-	-	-
GF Lake Road Undergrounding	-	-	-	-	-	-	-	-	-	-	-
Hill Avenue Bridge	30,500	-	-	-	-	-	-	-	-	-	-
Hill Avenue Utility Sewer and Water (Phase I)	-	200,000	-	-	-	-	-	-	-	-	-
Cumnor Water and Sewer Utility Extensions	105,000	-	-	-	-	-	-	-	-	-	-
Royal Glen Infrastructure Improvements	-	125,000	-	-	-	-	-	-	-	-	-
McKee House	75,000	-	-	-	-	-	-	-	-	-	-
Saint Charles Road Salt Storage Facility	-	-	-	-	-	-	-	-	-	-	-
Street Lighting Improvements - 5 Corners	-	-	-	-	-	-	-	-	-	-	-
Street Lighting Improvements - Roosevelt Road	-	-	-	-	-	-	-	1,952,766	-	-	-
Street Lighting Improvements - Replacements and Requests	76,000	15,000	15,000	15,000	15,000	75,000	15,000	15,000	15,000	15,000	75,000
Horse Trough	-	-	-	-	-	-	-	-	-	-	-
Stormwater Drainage Improvements Program	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
Traffic Studies and Improvements	25,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Wayfinding Signage	63,000	200,000	-	-	-	-	-	-	-	-	-
East Branch Trail Feasibility Study Contribution	-	100,000	-	-	-	-	-	-	-	-	-
Special Engineering Projects	-	-	-	-	-	-	-	-	-	-	-
Parking Garage (Transfer to Parking Fund)	16,000,000	-	-	-	-	-	-	-	-	-	-
GF Taylor Avenue Pedestrian Tunnel	938,399	-	-	-	-	-	-	-	-	-	-
Train Station/Pedestrian Underpass	230,000	1,000,000	1,000,000	3,000,000	10,000,000	10,000,000	-	-	-	-	-
CBD Over/Underpass Feasibility Study	-	-	-	-	-	-	-	-	-	-	-
Developer Capital Improvements (CBD)	200,000	50,000	200,000	50,000	200,000	50,000	50,000	50,000	50,000	50,000	50,000
Civic Center HVAC Project	-	-	-	-	-	-	-	-	-	-	-
GF Sidewalk Program	141,800	260,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
IDOT Crosswalks	-	-	-	-	-	-	-	-	-	-	-
Illinois Route 38 Streetscape Improvements	-	-	-	-	-	-	-	-	-	-	-
subtotal non-roadway	18,218,199	2,098,200	1,513,900	3,364,600	10,515,300	10,426,100	366,900	2,320,466	368,500	369,400	430,300
Roadway Rehabilitation Program											
Placeholder for Unidentified Roadway Projects	-	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250000
Pavement Preservation Program	195,000	250,000	250,000	250,000	250,000	300,000	300,000	300,000	300,000	300,000	300,000
Pavement Condition Survey	-	50,000	-	-	-	50,000	-	-	-	50,000	-
Baker Hill Ingress/Egress Improvements	-	-	-	-	-	-	-	-	-	-	-
GF Crescent Boulevard Reconstruction	423,238	-	-	-	-	-	-	-	-	-	-
2016 and 2017 Street Resurfacing	-	-	-	-	-	-	-	-	-	-	-
2018 Street Resurfacing	-	-	-	-	-	-	-	-	-	-	-
Kenilworth-Alley Improvements	-	-	-	-	-	-	-	-	-	-	-
GF North Park/Main Street Improvements	412,071	-	-	-	-	-	-	-	-	-	-
2020 Street Program 20001	152,036	2,534,146	2,490,958	-	-	-	-	-	-	-	-
2020 Street Program 20002	1,359,057	-	-	-	-	-	-	-	-	-	-
Scott Clifton Cumnor Street Rehabilitation	-	-	-	-	-	-	-	-	-	-	-
Future Street Resurfacing/Reconstruction Projects	-	5,361,062	4,181,092	3,261,173	2,821,539	4,823,364	5,343,621	6,492,088	6,474,142	3,817,072	2,958,768
Concrete Street Patching and Rehabilitation Program	225,000	100,000	500,000	550,000	300,000	450,000	-	100,000	-	100,000	-
CBD Underground Improvements Study	-	-	-	-	-	-	-	-	-	-	-
CBD Streetscape and Utility Improvements	800,000	-	-	1,248,480	8,323,200	6,242,400	2,080,800	-	-	-	-
IFT / General Fund Engineering	218,600	223,000	227,000	232,000	237,000	242,000	247,000	252,000	257,000	262,000	267,000
IFT/ Food and Beverage Collection Cost	50,000	51,500	53,045	54,636	56,275	-	-	-	-	-	-
subtotal road program	3,835,002	8,819,708	7,952,095	5,846,289	12,238,014	12,357,764	8,221,421	7,394,088	7,281,142	4,779,072	3,775,768
Total Improvements - Capital Projects Fund	\$ 22,053,201	\$ 10,917,908	\$ 9,465,995	\$ 9,210,889	\$ 22,753,314	\$ 22,783,864	\$ 8,588,321	\$ 9,714,554	\$ 7,649,642	\$ 5,148,472	\$ 4,206,068
Bond Repayment - 2015 Police Station Bonds	\$ 956,494	\$ 954,544	\$ 957,144	\$ 954,143	\$ 955,694	\$ 956,644	\$ 956,994	\$ 956,744	\$ 955,894	\$ 952,656	\$ 952,850
Bond Repayment - 2018 Capital Project Bonds	\$ 678,469	\$ 682,219	\$ 680,519	\$ 678,519	\$ 681,219	\$ 683,469	\$ 680,469	\$ 681,769	\$ 682,819	\$ 683,419	\$ 678,569
Bond Repayment - 2020 Capital Project Bonds (est.)	\$ 343,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000
Bond Repayment - 2022 Capital Project Bonds (est.)	\$ -	\$ -	\$ -	\$ -	\$ 251,000	\$ 502,000	\$ 502,000	\$ 502,000	\$ 502,000	\$ 502,000	\$ 502,000
Total Expenditures - Capital Projects Fund	\$ 24,031,164	\$ 13,240,671	\$ 11,789,658	\$ 11,529,551	\$ 25,327,227	\$ 25,611,977	\$ 11,413,784	\$ 12,541,067	\$ 10,476,355	\$ 7,972,547	\$ 7,025,487
Change in Fund Balance, Capital Projects Fund	\$ (6,452,895)	\$ (5,801,464)	\$ 885,840	\$ (3,268,445)	\$ (2,782,369)	\$ (3,648,186)	\$ (2,531,847)	\$ (3,538,214)	\$ (1,349,769)	\$ 1,280,638	\$ 2,357,213
Capital Projects Fund Balance, Beginning of Year	\$ 20,540,361	\$ 14,087,466	\$ 8,286,002	\$ 9,171,842	\$ 5,903,396	\$ 3,121,028	\$ (527,159)	\$ (3,059,006)	\$ (6,597,220)	\$ (7,946,988)	\$ (6,666,350)
Capital Projects Fund Balance, End of Year	\$ 14,087,466	\$ 8,286,002	\$ 9,171,842	\$ 5,903,396	\$ 3,121,028	\$ (527,159)	\$ (3,059,006)	\$ (6,597,220)	\$ (7,946,988)	\$ (6,666,350)	\$ (4,309,137)

Debt Service Funding Forecast												
Debt Service Payments	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Notes
Bonds Issued 2018 - \$9.9 million - Debt Service Known	\$ 678,469	\$ 682,219	\$ 680,519	\$ 678,519	\$ 681,219	\$ 683,469	\$ 680,469	\$ 681,769	\$ 682,819	\$ 683,419	\$ 678,569	
Bonds to be Issued 2020 - Estimated \$9.9 million	\$ 343,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	\$ 686,000	Estimate Only
Debt Service - Later Date - \$7,280,000 - Estimated	\$ -	\$ -	\$ -	\$ -	\$ 251,000	\$ 502,000	\$ 502,000	\$ 502,000	\$ 502,000	\$ 502,000	\$ 502,000	Estimate Only
Total Annual Debt Service - 20 years of bond payments	\$ 1,021,469	\$ 1,368,219	\$ 1,366,519	\$ 1,364,519	\$ 1,618,219	\$ 1,871,469	\$ 1,868,469	\$ 1,869,769	\$ 1,870,819	\$ 1,871,419	\$ 1,866,569	
Forecasted Revenues												Notes
Food and Beverage Tax - 1.5%	\$ 650,000	\$ 650,000	\$ 975,000	\$ 975,000	\$ 1,191,000	\$ 1,300,000	\$ 1,326,000	\$ 1,352,520	\$ 1,379,570	\$ 1,407,162	\$ 1,435,305	Annual estimate before Covid was \$1.3 million
CBD TIF Contribution	\$ -	\$ 75,000	\$ 75,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	As increment in the TIF grows, this contribution could grow and cover some shortfalls
Parking Fund Contribution	\$ -	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	Based on new commuter and Merchant Parking Garage permits
Storm Sewer Fee	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$1.50 of \$3.00 monthly drainage fee on Village Services Bill
Total Funding Sources	\$ 800,000	\$ 950,000	\$ 1,275,000	\$ 1,350,000	\$ 1,566,000	\$ 1,675,000	\$ 1,701,000	\$ 1,727,520	\$ 1,754,570	\$ 1,782,162	\$ 1,810,305	
Annual Debt Service Overage/(Shortfall)	\$ (221,469)	\$ (418,219)	\$ (91,519)	\$ (14,519)	\$ (52,219)	\$ (196,469)	\$ (167,469)	\$ (142,249)	\$ (116,249)	\$ (89,257)	\$ (56,264)	