

Mascoutah City Council

April 3, 2023

REGULAR MEETING AGENDA

IN-PERSON MEETING with combined IN-PERSON and optional VIRTUAL PUBLIC PARTICIPATION – see below for instructions on attending virtually

6:30 pm – Public Hearing – Budget FY23/24

7:00 pm – City Council Meeting

1. PRAYER & PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. ROLL CALL

4. AMEND AGENDA – consideration of items to be added/ deleted to /from the meeting agenda. *No action can be taken on added items, but may be discussed only. Exceptions – emergency items as authorized by law.*

5. MINUTES, March 20, 2023 City Council Meeting (Page 1 to Page 4)

6. PUBLIC COMMENTS (3 minutes) – opportunity for the public to comment.

7. REPORTS AND COMMUNICATIONS

- A. Mayor
- B. City Council
- C. City Manager
- D. City Attorney
- E. City Clerk

8. COUNCIL BUSINESS

A. Council Items for Action

1. Budget FY23/24 - Adoption of Ordinance (first reading)

(Page 5 to Page 17)

Description: Council consideration of approval and adoption of the City's FY23/24 Budget.

Recommendation: First Reading.

2. Code Change – Electric, Water & Sewer Rates (first reading)

(Page 18 to Page 34)

Description: Council approval of revisions to Chapter 11 – Electric System and Chapter 38 – Water and Sewer Rates of the City Code by adoption of ordinance.

Recommendation: First Reading.

3. Code Change - ROW Ordinance (first reading) (Page 35 to Page 73)

Description: Council approval of an ordinance to amend Chapter 38: Utilities to add Article 6: Construction of Utility Facilities in the Rights-Of-Way.

Recommendation: First Reading.

4. Bid Award – N Substation Commission and Relay Testing

(Page 74 to Page 75)

Description: Council approval of bid to provide commissioning services for the North Substation Upgrades.

Recommendation: Council Approval.

5. Bid Award – Electric Phase II Project, 138kV Line 2 Construction

(Page 76 to Page 77)

Description: Council approval of bid and authorization to award a contract to furnish all labor and equipment for the 138kV Line 2 Installation Project.

Recommendation: Council Approval.

6. Main Street Closing – Spring Fest with IDOT Resolution

(Page 78 to Page 80)

Description: Council approval of request by Mascoutah Chamber of Commerce to close Main Street (IL 177) on May 19, 2023 for the Spring Fest.

Recommendation: Council Approval and Adoption of Resolution.

7. Street Closings – Homecoming Parade with IDOT Resolution

(Page 81 to Page 83)

Description: Council approval and adoption of a resolution for street closings for the annual Homecoming Parade.

Recommendation: Council Approval and Adoption of Resolution.

8. Main Street Closing – Fall Fest with IDOT Resolution

(Page 84 to Page 86)

Description: Council approval and adoption of a resolution to close Main Street (IL 177) on October 21, 2023 for the Fall Fest.

Recommendation: Council Approval and Adoption of Resolution.

9. Main Street Closing – Lighted Christmas Parade with IDOT Resolution

(Page 87 to Page 89)

Description: Council approval and adoption of a resolution to close Main Street (IL 177) on December 1, 2023 for the annual Lighted Christmas Parade.

Recommendation: Council Approval and Adoption of Resolution.

B. Council Miscellaneous Items

C. City Manager

- Tap Fee Discussion

(Page 90 to Page 91)

9. PUBLIC COMMENTS (3 MINUTES)

10. ADJOURNMENT TO EXECUTIVE SESSION

A. Litigation – Section 2(c)(11)

11. MISCELLANEOUS OR FINAL ACTIONS

12. ADJOURNMENT

POSTED 3/30/23 at 4:00 PM

OPTIONAL VIRTUAL PUBLIC PARTICIPATION – see below for instructions on attending virtually

In-person public attendance is allowed. Optional virtual public attendance is also being provided virtually through Zoom Meeting (<https://zoom.us>).

Please join my meeting from your computer, tablet or smartphone.

<https://us02web.zoom.us/j/87876758114>

You can also dial in using your phone.

United States: +1 (312) 626-6799

Access Code: 878-7675-8114

**CITY OF MASCOUTAH
CITY COUNCIL MINUTES
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030**

MARCH 20, 2023

The minutes of the budget workshop of the City Council of the City of Mascoutah.

CALL TO ORDER

Mayor Pat McMahan called the budget workshop to order at 6:00 p.m.

Present:

Mayor Pat McMahan and Council members John Weyant, Walter Battas, Nick Seibert, and Eric Kohrmann.

Absent:

None.

Other Staff Present:

City Manager Becky Ahlvin, City Clerk Melissa Schanz, Finance Coordinator Lynn Weidenbenner, Public Works Director Jesse Carlton, Police Chief Scott Waldrup and EMS Supervisor Jeremy Gottschammer.

DISCUSSION

City Manager and Finance Coordinator provided an overview of the proposed budget for FY23/24. Council discussed the proposed budget.

PUBLIC COMMENTS

None.

ADJOURNMENT

Mayor Pat McMahan adjourned the budget workshop at 6:56 p.m.

The minutes of the regular meeting of the City Council of the City of Mascoutah.

PRAYER AND PLEDGE OF ALLEGIANCE

City prayer was delivered by City Clerk Melissa Schanz. The Council remained standing and recited the Pledge of Allegiance.

CALL TO ORDER

Mayor Pat McMahan called the meeting to order at 7:00p.m.

ROLL CALL

Mayor Pat McMahan and Council members John Weyant, Walter Battas, Nick Seibert and Eric Kohrmann.

Absent: None.

Other Staff Present: City Manager Becky Ahlvin, City Clerk Melissa Schanz, City Attorney Al Paulson, Police Chief Scott Waldrup, and EMS Supervisor Jeremy Gottschammer.

Establishment of a Quorum: A quorum of City Council members was present.

AMEND AGENDA

None.

MINUTES

The minutes of the March 6, 2023 regular City Council meeting were presented and approved as presented.

Motion passed. Passed by unanimous yes voice vote.

PUBLIC COMMENTS

Eric Mercer, a resident of Mascoutah, voiced concerns about his recent tickets and his civil rights.

MONTHLY DEPARTMENT REPORTS FOR JANUARY WERE PROVIDED

REPORTS AND COMMUNICATIONS

Mayor – Attended Congressman Bost Grand Opening and the Mascoutah Police Trivia Night.

City Council

Weyant – Attended the Mascoutah Police Trivia Night.

Battas – Attended Congressman Bost Grand Opening, MIA Meeting, EDC Meeting, and the Mascoutah Police Trivia Night.

Seibert – Nothing to report.

Kohrmann – Attended Congressman Bost Grand Opening.

City Manager – Nothing to report.

City Attorney – Nothing to report.

City Clerk – Nothing to report.

COUNCIL BUSINESS

CONSENT CALENDAR (OMNIBUS)

The February 2023 Fund Balance Report and Claims & Salaries Report were provided under the omnibus consideration.

Seibert moved, seconded by Battas, to accept all items under Omnibus consideration.

Motion passed. AYE's – Weyant, Battas, Seibert, Kohrmann, McMahan. NAY's – none.
ABSENT – none.

CODE CHANGE – STOP INTERSECTION – STATE AND 4TH STREET INTERSECTION

City Manager presented a report for Council approval and adoption of an ordinance to amend Chapter 24, Schedule A – Stop Intersections to add a four-way stop at the intersection of W. State Street and S. 4th Street.

There was no further discussion.

Weyant moved, seconded by Kohrmann, to approve and adopt Ordinance No. 23-02, thereby modifying Chapter 24, Schedule A – Stop Intersections to add a four-way stop at the intersection of W. State Street and S. 4th Street.

Motion passed. AYE's – Weyant, Battas, Seibert, Kohrmann, McMahan. NAY's – none.
ABSENT – none.

BID AWARD – CEMETERY MOWING

City Manager presented a report for Council approval and authorization of bid for furnishing all labor, equipment and means for the mowing of the Mascoutah City Cemetery.

There was no further discussion.

Seibert moved, seconded by Battas, to approve the low bid for furnishing all labor, equipment and means for the mowing of the Mascoutah City Cemetery to Kurtis Clay in the amount of \$1,285.00 per grass cutting for the approximate time period of April 1, 2023 to October 31, 2023 and authorize appropriate officials to execute the necessary documents.

Motion passed. AYE's – Weyant, Battas, Seibert, Kohrmann, McMahan. NAY's – none.
ABSENT – none.

CHANGE ORDER – STP FACILITY IMPROVEMENTS

City Manager presented a report for Council approval of change orders for construction of the Mascoutah STP Facility Improvement Project.

The council had some detailed questions about the Digester Tank rehabilitation and installation of the steel ring. Representatives from Horner & Shifrin were present to discuss the state of the tank, discuss the process moving forward and answer questions.

There was no further discussion.

Seibert moved, seconded by Kohrmann, to approve change orders in the amount not to exceed \$402,446.98 for the construction of the Mascoutah STP Facility Improvement project and authorize appropriate City officials to execute the necessary documents.

Motion passed. AYE's – Weyant, Battas, Seibert, Kohrmann, McMahan. NAY's – none.
ABSENT – none.

BID AWARD – ALUMINUM WIRE

City Manager presented a report for Council approval for the purchase of aluminum wire for the Electric Department.

There was no further discussion.

Seibert moved, seconded by Kohrmann, to approve the purchase of 6,000 feet of aluminum wire from Brownstown Electric Supply of Brownstown, IN in the amount of \$71,100.00 and authorize appropriate officials to execute the necessary documents.

Motion passed. AYE's – Weyant, Battas, Seibert, Kohrmann, McMahan. NAY's – none.
ABSENT – none.

COUNCIL – MISCELLANEOUS ITEMS

Councilman Seibert gave a few announcements on Mascoutah High School Athletics.

Councilman Battas asked about the fence that was put up around the sewer plant, explaining that the ground around the plant was to be grated and cleaned up so he thought the fence should have been put on hold.

CITY MANAGER – MISCELLANEOUS ITEMS

None.

PUBLIC COMMENTS

Eric Mercer had more comments.

ADJOURNMENT TO EXECUTIVE SESSION

None.

MISCELLANEOUS OR FINAL ACTIONS

None.

ADJOURNMENT

Battas moved, seconded by Weyant, to adjourn at 7:52 p.m.

Motion passed. Motion passed by unanimous yes voice vote.

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council

FROM: Becky Ahlvin – City Manager

SUBJECT: **Budget 23/24 – Adoption of Ordinance (first reading)**

MEETING DATE: April 3, 2023

REQUESTED ACTION:

Council approval and adoption of the City's FY23/24 Budget.

BACKGROUND & STAFF COMMENTS:

The City has completed several months of work establishing its FY23/24 Budget. After many work sessions by staff and Finance Committee, we believe that the current draft budget meets the requirements for this years annual Budget. This Budget assures adequate revenues/ fund sources, provides for appropriate expenditures, and provides a fiscal strategy to accommodate the needs of the community this year.

As per legal requirements, this hearing was duly noticed and the Budget Draft was provided for public review (on-line and in the downstairs lobby).

FUNDING:

There is no cost involved in the Budget approval process.

RECOMMENDATION:

The City Manager recommends that the Council approve and adopt an Ordinance thereby establishing the City's FY 23/24 Budget.

SUGGESTED MOTION:

I move that the Council approve and adopt Ordinance 23-____, thereby establishing the City's FY 23/24 Budget.

Prepared By: Melissa A. Schanz
Melissa A. Schanz
City Clerk

Approved By: Becky Ahlvin
Becky Ahlvin
City Manager

Attachments: A – Memo and Spreadsheets from Finance Coordinator
B – Ordinance

CITY OF MASCOUTAH
Memorandum

TO: Honorable Mayor and City Council

FROM: City Manager, Rebecca Ahlvin
Finance Coordinator, Lynn Weidenbenner

SUBJECT: FY23/24 Budget

DATE: March 23, 2023

Enclosed is FY24 adjusted budget numbers for both revenues and expenses. Each department's budget numbers and requests have been reviewed and discussed. The Finance Committee met and discussed many budget topics. The Finance Committee has approved these final recommendations to the Council related to the FY24 budget.

FY24 BUDGET:

- Total Budget proposed Revenues exceed Expenses \$961,474 without projects income or expenses.
- Total Budget proposed Expenses exceed Revenues \$1,659,926 with projects income and expenses.
- Budget Proposed by Fund – all funds for FY24 net positive when calculating revenues minus expenses without project expenses except the Light Fund and Parks & Recreation Fund. This deficit in the Light Fund is primarily due to capital improvements and the cash is available. The deficit in the Parks & Recreation Fund is primarily due to increased capital improvements and some projects and will require interfund borrows. With project expenses included the Light Fund, Water/Sewer Fund, Parks & Recreation, MFT, TIF2b, and TIF3 funds have an overall negative net balance due to the costs with the project expenses budgeted. The cash is available for the projects in part for these funds and the City also has the lines of credit available at the local banks to use to finish these large projects.

BUDGET CHANGES SINCE WORKSHOP:

- The changes are primarily to revenues using 3% for the utility rate increases as recommended by the Finance Committee rather than using 5% that was in the first packet and rather than following the ordinance and using the cpi rate of 9.3%.
- The Finance Committee strongly believes that slight increases annually are better than a big hit in one year when projects are completed. This is with the understanding that new projections to analyze the fund balances can be calculated next year to be used in further planning to pay the increased debt.
- All revenue numbers by fund and account have been reviewed again since the February actual financials posted.
- The expenses were decreased with updates for the personnel benefits.
- Nothing changed for projects or far/cip.

Attachment A

BUDGET ASSUMPTIONS:

- All departments have limited budgets based on prior year expenditures in each category.
- Includes the department requests for equipment purchases as City Manager approved.
- The salary assumption is based on a 2.5% increase as stated in contracts.
- A separate sheet shows all projects for FY24 (pages 3 of 113, and 4 of 113). The projects are the main focus in FY24 to finalize the wwtp and electric phase II and tif3 projects since they are ongoing and so massive.
- A separate sheet shows all CIP/FAR as approved by the City Manager (pages 5 of 113, 6 of 113, 7 of 113, and 8 of 113).
- Allocated funds towards derelict properties.
- Includes project for major roads and oil and chip for some additional roads.
- Includes sidewalk program.
- Includes LED light replacement.
- Includes continuation of manhole linings in TIF2b and water/sewer.
- Includes two vehicles for the police department, \$95,000 in budget (can finance if prefer).
- Includes police radars, k9 costs, tasers, computers, and vests.
- Includes finishing new ambulance set up inside and outside.
- Includes new HVAC units (5) for city hall \$100,000 again (was not used this year). The current units aged, and replacement parts are very hard to find or completely unavailable.
- Includes pickup truck with 8 ft bed, \$35,000, for cemetery dept to move cemetery matts and etc. Currently the Sexton uses his own personal truck. He has an old SUV that could be used elsewhere in the fleet for another department.
- Includes tractor with hydraulics as requested from Steve Heizer (MIA) in parks and recreation department, \$30,000.
- Includes bat wing deck mower in parks and rec, \$20,000.
- Includes ballfield/park bathrooms new, possibly concession stand at park between ballfields 2 & 3 at Scheve Park, \$175,000
- Includes fence extension around the public works supply yard split between many funds.
- Includes fleet tire balancer and tire changer split between many funds.
- Includes lineman bucket truck addition accessories (truck purchased last fiscal year) for \$25,000.
- Includes continuation of AMI metering wave for electric and water/sewer. This started this fiscal year and continues.
- Includes replacing 1 ton truck (old 6.0 diesel) for streets, \$110,000.
- Includes replacing electric dept dump truck \$85,000.
- Includes replacing the E4 bucket truck for \$200,000 and if approved need to order due to major delays.
- Referenced tax levy ordinance filed for property tax revenue.
- Used the IL Municipal Review projections with new census 8,754 for income tax, use tax, and MFT taxes to receive.
- Includes MFT money from Rebuild Illinois funds and still to be distributed for specified project (S County Rd and McKinley Street).
- For enterprise funds – 3.0% increase rather than following the ordinance for electric, water, and sewer rates to increase at the cpi rate which is 9.3%. The Finance Committee strongly believes that slight increases annually are better than a big hit in one year when projects are completed. This is with the understanding that new projections to analyze the fund balances can be calculated next year to be used in further planning to pay the increased debt.

CITY OF MASCOUTAH
City Manager's Office
Council Memo

TO: Honorable Mayor and City Council
FROM: Finance Committee: Tim Boyce, Todd Gober, and John Harris
SUBJECT: FY2324 Budget – Final Recommendation
DATE: March 23, 2023

The Finance Committee wishes to forward our final recommendations for the City's FY2324 Budget.

MEETINGS/PROGRESS:

March- we met concentrating first on the expenses, projects, rates for utilities, debt, insertions, and then revenues. We then reviewed the changes/updates later via email.

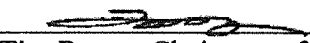
THE BUDGET NUMBERS:

- Total Budget proposed Revenues exceed Expenses \$961,474 without projects income and expenses.
- Total Budget proposed Expenses exceed Revenues \$1,659,926 when including all projects income and expenses.
- Budget Proposed by Fund – all funds for FY24 net positive when calculating revenues minus expenses, excluding projects except Light Fund and Parks & Recreation Fund. The cash is available in the Light Fund. The Parks & Recreation Fund will need to interfund borrow or use credit line money but the fund analysis shows this fund positive within 3 fiscal years.
- The projects included in the budget for Light Fund, Water/Sewer, Parks & Recreation, MFT, TIF2b, and TIF3 are directly related to the fund's negative net balance with the project expenses budgeted. The cash is available for the projects in part for these funds and the City has two lines of credit to draw from if necessary.

FINANCE COMMITTEE RECOMMENDATIONS OVERALL:

1. The proposed FY24 budget includes assumptions and insertions recommended by the Finance Committee and the budget as forwarded is adoptable as we approve.
2. The Committee recommends not following the ordinances for utility rate increases using the cpi calculation this year of 9.3%, but rather using 3% so as to increase slightly for the city's increased wholesale costs. The Finance Committee also recommends slight increases over time to plan for future increased debt rather than having to impose one large increase later all in the same year. This is with the understanding that new projections to analyze the fund balance can be calculated next year to use in further planning to pay the IEPA loan for the WWTP along with using some cash reserves. The unforeseen increased cost for all projects is driving the utility rate increases overall in addition to the fact that the City has not increased the electric usage rates since FY12.
3. The Committee recommends completing these major projects and the projects already started before adding costs for additional projects since the timeframe for completion and increased expenses for the projects affect the overall city budget.
4. The Committee recommends the TIF3 utilizing future TIF development to generate income for the City due to the major debt payments applicable to the TIF3 borrows.
5. The Committee is dedicated to continuing to improve fund balances and reserves.
6. The Committee understands the Budget Guidance from the Council and has reviewed the budget to follow the recommendations possible.

We believe this completes our service to the Council regarding the FY24 budget. We would like to assist with any questions and support the budget process. It is our understanding that the City Manager will inform us of future budget-related meetings, the budget hearing, and any additional questions or concerns from Council.


Tim Boyce, Chairman of Finance Committee

CITY OF MASCOUTAH
SNAP SHOT REVENUES/EXPENSES TOTAL NET

REVENUES

OPERATING REVENUES	Jan-23		Summary of		% change FY23 to 24
	Budget23	YTD Actual 23	all depts 12/12's	Proposed Budget24	
FUND 100 - GEN FUND	4,486,250	4,479,843	5,500,191	5,109,309	
FUND 110 - R CEM TRUST	8,000	24,163	32,217	8,000	
FUND 200 - LIGHT FUND	9,827,525	7,179,111	9,738,180	10,168,247	
FUND 250 - W&S FUND	4,192,925	3,756,273	5,016,718	4,435,522	
FUND 300 - AMB FUND	1,086,695	985,085	1,130,644	1,143,673	
FUND 330 - P&R (park/cityleu/pool)	451,300	432,256	438,899	496,550	
FUND 360 - FIRE DEPT FUND	169,600	188,971	197,547	177,700	
FUND 400 - IMRF FUND	598,680	468,678	578,579	599,725	
FUND 450 - POLICE PENSION FUND	580,125	468,605	498,203	539,000	
TOTAL OPERATING REV NO LIBR	21,401,100	17,982,985	23,131,179	22,677,727	5.97%
TOTAL LIBRARY REVENUES	472,977	472,977	472,977	502,800	
TOTAL OPERATING REV WITH LIBRARY	21,874,077	18,455,962	23,604,156	23,180,527	5.97%

NON-OPERATING REVENUES

FUND 100/200/250 CMAQ/TIP/IEPA WWTP and Line of Credit	13,276,975	7,187,546	7,187,550	4,270,000	
FUND 210 - ELEC PHASE II LOAN	4,500,000	1,867,462	2,270,000	2,000,000	
FUND 500 - MFT FUND	345,290	272,359	366,085	345,380	
FUND 540 - TIF1 FUND	0	22	29	0	
FUND 560 - TIF2B FUND	1,195,410	1,270,182	1,272,596	1,286,386	
FUND 560 - TIF2B CDBG PORTION	0	22,500	22,500	0	
FUND 570 - TIF3 FUND	6,770,100	283,101	283,107	4,297,830	
FUND 595 - BUSINESS DISTRICT	72,000	84,274	92,725	93,000	
FUND 590 - SPECIAL SVC AREA (SSA)	150,110	17,374	17,374	20,000	
FUND 600 - R DEBT SVC FUND	183,665	183,596	184,334	183,207	
TOTAL NON OPERATING REVENUES	26,493,550	11,188,416	11,696,300	12,495,803	
TOTAL ALL REVENUES NO LIBRARY	47,894,650	29,171,401	34,827,479	35,173,530	
TOTAL ALL REVENUES WITH LIBRARY	48,367,627	29,644,378	35,300,456	35,676,330	-26.24%

EXPENSES

OPERATING EXPENSES

TOTAL PERSONNEL EXPENSES	7,931,120	5,999,106	8,069,380	8,597,774	
TOTAL NON-PERSONNEL EXPENSES	3,853,720	2,412,192	3,452,623	4,686,070	
TOTAL WHOLESALE/RETAIL/OTHER EXP	6,036,730	4,508,049	5,953,623	6,557,911	
TOTAL OPERATING EXPENSES NO LIBRARY	17,821,570	12,919,347	17,475,626	19,841,756	
TOTAL LIBRARY EXPENSES	472,977	472,977	472,977	502,800	
TOTAL OPERATING EXPENSES WITH LIBRARY	18,294,547	13,392,324	17,948,603	20,344,556	11.21%

NON-OPERATING EXPENSES

TOTAL CIP EXPENSES	391,500	287,259	355,686	478,300	
TOTAL FAR EXPENSES	930,600	514,915	627,733	1,025,500	
TOTAL PROJECT EXPENSES	32,809,730	17,311,287	18,149,998	13,189,230	
TOTAL DEBT EXPENSES	1,698,830	952,756	1,669,373	2,298,670	
TOTAL NON-OPERATING EXPENSES	35,830,660	19,066,218	20,802,790	16,991,700	
GRAND TOTAL ALL EXPENSES NO LIBRARY	53,652,230	31,985,565	38,278,416	36,833,456	-31.35%
GRAND TOTAL ALL EXPENSES WITH LIBRARY	54,125,207	32,458,542	38,751,393	37,336,256	-31.02%
NET OPERATING REV MINUS EXP	3,579,530	5,063,638	5,655,553	2,835,971	-20.77%
NET NON-OPERATING REV MINUS EXP	(9,337,110)	(7,877,802)	(9,106,490)	(4,495,897)	-51.85%
NET REV MINUS EXP EXCLUDING PROJECTS	22,552,150	7,309,577	7,511,511	961,474	-95.74%
NET ALL REVENUES MINUS ALL EXPENSES	(5,757,580)	(2,814,164)	(3,450,937)	(1,659,926)	

FY23 BUDGET REVENUES - BUDGET EXPENSES BY FUND

	GENERAL FUND 100	RESTRICTED CEM TRUST 110	RESTRICTED LIGHT FUND 200	RESTRICTED ELEC PHASE II 210	WTR/SWR COMBINED 250	AMB FUND 300	PARKS & RECR 330	FIRE DEPT 360	IMRF FUND 400	POLICE PENSION 450	MFT FUND 500	TIF1 FUND 540	TIF2B FUND 560	TIF3 FUND 570	BUS DISTR FUND 595	SSA SP SVCS 590	DEBT SVC 600	TOTALS
REVENUES MINUS PROJECTS	5,109,309	8,000	10,168,247	0	4,435,522	1,143,673	496,550	177,700	599,725	539,000	345,380	0	1,286,386	297,830	93,000	20,000	183,207	24,903,530
EXPENSES MINUS PROJECTS	4,478,907	0	10,848,724	0	4,255,905	964,245	726,400	170,060	549,000	505,000	250,000	0	625,500	75,000	0	13,975	181,510	23,644,226
TOTAL REV-EXP NO PROJECTS	630,402	8,000	(680,477)	0	179,617	179,429	(229,850)	7,640	50,725	34,000	95,380	0	660,886	222,830	93,000	6,025	1,697	1,259,304
PROJECT REVENUES	0	0	3,000,000	2,000,000	1,270,000	0	0	0	0	0	0	0	0	4,000,000	0	0	0	10,270,000
PROJECT EXPENSES	416,730	0	3,500,000	2,000,000	1,800,000	0	0	0	0	0	1,122,500	0	3,325,000	1,025,000	0	0	0	13,189,230
TOTAL REV-EXP WITH PROJECTS	213,672	8,000	(1,180,477)	0	(350,383)	179,429	(229,850)	7,640	50,725	34,000	(1,027,120)	0	(2,664,114)	3,197,830	93,000	6,025	1,697	(1,659,926)

draw from line of credit for coverage of electric phase II and use cash available

IEPA loan w/wtp and then w/s cash

interfund borrow to get all in budget

mft cash available

tif2b cash available

draw from line of credit (remainder left after light fund) plus includes \$4mil back from Boeing

	GENERAL FUND 100	RESTRICTED CEM TRUST 110	RESTRICTED LIGHT FUND 200	RESTRICTED ELEC PHASE II 210	WTR/SWR COMBINED 250	AMB FUND 300	PARKS & RECR 330	FIRE DEPT 360	IMRF FUND 400	POLICE PENSION 450	MFT FUND 500	TIF1 FUND 540	TIF2B FUND 560	TIF3 FUND 570	BUS DISTR FUND 595	SSA SP SVCS 590	DEBT SVC 600	TOTALS
REV MINUS CIP/FAR/DEBT/PROJ	5,109,309	8,000	10,168,247	0	4,435,522	1,143,673	496,550	177,700	599,725	539,000	345,380	0	1,286,386	297,830	93,000	20,000	183,207	24,903,530
EXP MINUS CIP/FAR/DEBT/PROJ	3,778,487	0	9,495,224	0	3,626,340	944,245	480,400	167,560	549,000	505,000	250,000	0	45,500	0	0	0	0	19,841,756
AL REV-EXP NO CIP/FAR/DEBT/PROJ	1,330,822	8,000	673,023	0	809,182	199,429	16,150	10,140	50,725	34,000	95,380	0	1,240,886	297,830	93,000	20,000	183,207	5,064,774
CIP/FAR/DEBT/PROJ REVENUES	0	0	3,000,000	2,000,000	1,270,000	0	0	0	0	0	0	0	0	4,000,000	0	0	0	10,270,000
CIP/FAR/DEBT/PROJ EXPENSES	1,117,150	0	4,853,500	2,000,000	2,429,565	20,000	246,000	2,500	0	0	1,122,500	0	3,905,000	1,100,000	0	13,975	181,510	16,991,700
TOTAL REV MINUS EXP ALL	213,672	8,000	(1,180,477)	0	(350,383)	179,429	(229,850)	7,640	50,725	34,000	(1,027,120)	0	(2,664,114)	3,197,830	93,000	6,025	1,697	(1,659,926)

CITY OF MASCOUTAH

PROJECTS SHEET ONLY

ALL FUNDS & FUNDING

PROJECTS- ALL FUNDS

			Calculated	
	Jan-23	12/12's		
	YTD	shaded is	Proposed	
Budget23	Actual 23	manual entry	Budget24	

PROJECTS- STREETS; GEN FUND MONEY

100-50774	7300 N Jefferson ST - shared use path TIF3	75,000	0	0	75,000	FY24 - just go IDOT approval and tap grant funds are \$67631.20 + city funds \$16,907.80 = \$84,539 (not sure if reimb or subtracted) Feb 2023, work to start FY23 = \$75k (FY22 = \$60k in gf), applied for TAP grant to pay 80% but wait to put any budget in revenues until later after understand how we receive money. Also 20% of this project is in TIF3
100-507	7300 L&N Railway Trail and Trailhead Engineering	126,030	0	0	126,030	FY24 - just got IDOT approval Feb; total grant funds are \$918,000 (app 96% of project) and eng total cost is \$163,840 with grant funds \$131072 ITEP & also MEPRD grand 64,415
100-507	7300 Larkspur/Antique Drainage Improvements	24,000	0	0	0	
100-50775	7300 Perrottet \$150k	150,000	0	0	0	FY24 delete \$150k due to time, carry over from FY20
100-50776	7300 Tazanite \$24k	24,000	0	0	0	FY24 delete \$150k due to time, carry over from FY20
100-50771	7300 CBD Grant - 4th St storm drainage improvements	0	0	0	45,000	FY23 apply for grant (100k) and city share 20k plus engineering our cost total \$45k
100-50777	7300 street eng/const shared with tif2b (\$700k applicable to tif2b) South St 2 blocks, Independence 1 block, John St 2 blocks	125,000	79	50,000	125,000	FY23 approved bid 2 million approx(proj bid & Oates); split cost for FY24, with FY22 & FY21 street project shared with tif2b for engineering/construction on South St 2 blocks, Independence 1 block, John St 2 blocks)
100-50755	7300 multi-use path cmaq phase 1 berm	21,710	0	0	21,710	FY23 & 22 & FY21 - budget final payments for Berm trails if does not post this fiscal year. CMAQ Berm Trail - grant 80% 270160 in revenues (learned after budget that IDOT pays the contractor and then invoices the city for the 20% shared owed so the city does not need to budget any revenues with this project set up like this through idot.. Same for phase II with TIP funds but city pays 25% share)
100-50754	7300 mulit-use path phase 2 berm tip funds rev	23,990	0	0	23,990	FY24 - out until get legal document, FY22 & FY21 - split \$65k with tif2b if have to pay LD's.
100-50769	7300 Poplar St Road - 6th to Railway	40,300	0	0	0	
TOTAL PROJECT EXPENSES		610,030	79	50,000	416,730	

PROJECTS- LIGHT FUND

210-50720	7300 major electric phase II - fund 210 loan	4,500,000	2,148,687	2,700,000	2,000,000	in revenue have \$2,000,000 to draw, the rest the cities exp
200-50720	7300 electric phase II - fund 200 city exp	3,500,000	0	0	3,500,000	FY24 Use line of credit for this but final bid not sure and range from BHMG is huge 3.5mill - 6mil, increase the line of credit and longer pay back time on electric phase II loan and line of credit
200-507	7300 Boeing - distribution system contract	2,311,115	0	0	0	FY23 used all tif money since needed for tif
200-507	7300 IL Rt 4 lighting from Onyx to Big Ditch	15,000	31,258	31,258	0	8 lights
TOTAL PROJECT EXPENSES		10,326,115	2,179,945	2,731,258	5,500,000	

PROJECTS - WATER

250-50761	7300 water main replacement FY	0	0	0	0	FY24 & 23 - take out for another year due to cash flow, Cast Iron main replacement
TOTAL PROJECT EXPENSES		0	0	0	0	

PROJECTS - SEWER						FY23 - wwtp projected to be completed Jan 2023, expecting some overages and Council did not want to earmark \$1million of ARPA funds to cover this overage but city has to have money to pay the wwtp loan too in future so need to deal with rates.
250-50753-	7300 waste wtr trmnt plant facilty plan phase I	10,700,000	7,448,287	7,448,290	1,500,000	
250-50764	7300					
250-50751-	7300 mahole & pipe shared w/ tif2b	300,000	0	0	300,000	Manhole Linings (RJN study shows immediate action items \$351k, high priority \$460, medium priority \$775k so plan over next several fiscal years)
TOTAL PROJECT EXPENSES		11,000,000	7,448,287	7,448,290	1,800,000	

PROJECTS - MFT						Budget Guidance - sidewalk ADA etc/do Main St sidewalks and other
500-50751	7300 ADA/sidewalk, ramp repair	100,000	32,039	50,000	250,000	
500-50755	Rebuild IL - S County Rd & McKinley St Reconstruction	150,000	68,753	100,000	797,500	FY24 approved \$123040 for eng, need total proj cost info) FY23 - Rebuild IL - S County Rd eng, city received 3 pmts \$94,111 over past 2 fiscal years to use (\$725,000 construction + \$72,500 inspection) FY24 const eng (approved for \$94,900 for eng and ROW) FY23 - start engineering
500-50752	Onyx Drive	30,000	9,026	10,000	75,000	
TOTAL PROJECT EXPENSES		280,000	109,818	160,000	1,122,500	

PROJECTS - PARK						
330-50750	7300					
330-50751	7300	0	0	0	0	
330-50752	7300 Prairie Lakes Park Paving	0	(25,000)	0	0	
TOTAL PROJECT EXPENSES		0	(25,000)	0	0	

PROJECTS - TIF2B FUND						FY24 out until get legal document, FY23 & FY22 split \$65k w/ gf if have to pay LD's
560-50764	7300 Poplar St from Railway to Jefferson	24,700	0	0	0	
560-50757-	7300					
560-50761-	7300 tif2b façade grant program	30,000	0	0		
560-50777	7300 Independence 1 block, John St 2 blocks)	875,000	449	450	875,000	split with gf
560-50751-	7300 manhole & pipe & sewer lines	250,000	0	0	250,000	
560-50768	7300 Lebanon St reconstruction-eng	2,200,000	339,184	500,000	2,200,000	
560-50769	7300				0	
TOTAL PROJECT EXPENSES		3,379,700	339,633	500,450	3,325,000	

PROJECTS - TIF3						N Jefferson St - shared use path - gf 80% tif3 20% - applied for grant
570-50711	7300 applied for grant	25,000	0	0	25,000	
570-50712	7300 IL Rt 4 watermain extension	500,000	149,748	150,000	0	
570-50710	7300 Boeing contract - \$11mil	6,688,885	7,108,777	7,110,000	1,000,000	FY24 to date w/last fiscal year spent, we have \$1,435,423 left on the \$11mil contract, get \$4mil back from Boeing + will borrow the rest of the line of credit, contract = 10,937,464 minus what we paid this year (If pays 2,311,115 of the contract)
TOTAL PROJECT EXPENSES		7,213,885	7,258,526	7,260,000	1,025,000	

TOTAL PROJECT EXPENSES ALL	32,809,730	17,311,288	18,149,998	13,189,230
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CITY OF MASCOUTAH
CIP/FAR ONLY
ALL FUNDS & FUNDING

8200	CAPITAL IMPROVEMENTS	Calculated			
8500	FIXED ASSET REPLACEMENT	Jan-23	12/12's		
		YTD	shaded is	Proposed	
		Budget23	Actual 23	manual entry	Budget24
8200 CAPITAL IMPROVEMENTS					
ADMIN					
		0	0	0	0
ADMIN/PLANNING					
		0	0	0	0
POLICE					
	vehicles	85,000	29,522	75,000	95,000
	radar	3,000	2,306	2,500	4,300
	K9	4,000	517	2,500	4,000
	rolling bridge jack-fleet, split pol/ems/lf/ws	2,000	2,000	2,000	11,500
					5,000
AMB					
	rolling bridge jack-fleet, split	2,000	2000	2,000	
	tire balancer for fleet split				4,000
	fire changer for fleet split				6,000
CEM					
	pickup truck 8 foot bed (old or trade?)	0	0	0	35,000
MAINT					
		0	0	0	0
PARK					
					30,000
	bat wing deck mower	20,000	0	20,000	20,000
		0	0	0	175,000
LEU					
		0	0	0	
POOL					
		0	0	0	0
STREETS					
					10,000
	service truck for Chris for fleet - gf or split?	50,000	51,230	51,230	0
ELECT PROD/FLEET					
	rolling bridge jack-fleet, split pol/ems/lf/ws	750	750	750	0
	tire changer - split				3,500
	tire balancer - split				3,000
ELECT DIST					
	rolling bridge jack-fleet, split pol/ems/lf/ws	750	750	750	0
	bucket truck	220,000	194,836	194,836	25,000
	tire changer - split				3,500
	tire balancer - split				3,000
					20,000

CITY OF MASCOUTAH
CIP/FAR ONLY
ALL FUNDS & FUNDING

8200	CAPITAL IMPROVEMENTS			Calculated	
8500	FIXED ASSET REPLACEMENT		Jan-23	12/12's	
			YTD	shaded is	Proposed
		Budget23	Actual 23	manual entry	Budget24
WATER	rolling bridge jack-fleet, split pol/ems/lf/ws	750	870	870	
	fence extension around supply year split				2,500
	tire changer split				3,500
	tire balance split				3,000
SEWER	rolling bridge jack-fleet, split pol/ems/lf/ws	750	750	750	
	fence extension around supply year split				2,500
	tire changer split				3,500
	tire balance split				3,000
SEWER PLANT		0	0	0	0
		futre needs with new wwtp			
FIRE					
	misc far	2,500	1,728	2,500	2,500
total all capital improvement		391,500	287,259	355,686	478,300
total general fund CIP		144,000	85,575	133,230	164,800
total electric fund CIP		221,500	196,336	196,336	58,000
total water/sewer fund CIP		1,500	1,620	1,620	18,000
total amb fund CIP		2,000	2,000	2,000	10,000
total parks & rec fund CIP		20,000	0	20,000	225,000
total fire dept fund CIP		2,500	1,728	2,500	2,500
total calculation check		391,500	287,259	355,686	478,300
total check with snapshot		391,500	287,259	355,686	478,300

CITY OF MASCOUTAH
CIP/FAR ONLY
ALL FUNDS & FUNDING

8200	CAPITAL IMPROVEMENTS			Calculated		
8500	FIXED ASSET REPLACEMENT	Jan-23	12/12's			
		YTD	shaded is	Proposed		
		Budget23	Actual 23	manual entry	Budget24	
8500 FIXED ASSET REPLACEMENT						
ADMIN	computers/tech equip	10,000	1,094	10,000	15,000	computers, rotate replacements, 100-50101-8502
POLICE	tasers	3,500	0	3,000	2,500	FY24 - taser replacing in rotation
	watchguard reimb posted fy23		(4,239)			
	computers	10,000	8,861	10,000	12,000	FY24 - computers new and replaced
		7,500	(261)	7,000	5,000	FY24 vests only; FY23 bullet proof vests 6000 & hand guns \$1500
	portable and mobile radios	42,500	42,460	42,460	0	FY23 ordering bulk to eliminate rotating process (saves money in long run)
AMB	Lifearm CPR Device (Lucas Device)	15,000	13,852	13,852	0	
	radios replaced, carpet and mattress	16,100	16,044	16,044	0	
	ambulance	170,000	165,000	170,000	5,000	FY24 when get new rig, need striping etc., FY22/23 need to replace old ambulance, already council approved so can order
	stretcher	28,000	27,912	27,912	0	
	misc	5,000	0	5,000	5,000	
CEM	mobile mats	0	0	0	5,000	add when need to rotate old ones out
MAINT	air units	90,000	0	0	100,000	FY24 - not sure how timing will fall for getting these done and needing more maint work FY23 - bid for units that must be replaced. note: put this in each year and maybe more since units have been needing upgrade and do not want to put more money into maint for these old units
PARK	general park replace equip	2,000	4,547	4,547	0	
LEU		0	0	0	0	
POOL	misc as specified	6,000	0	6,000	21,000	FY24 = quote for 2 new style rectangle flying shades umbrellas and 1 square hip shade ,replacing umbrellas, doors, roll windows
STREETS	service truck 3/4 ton	65,000	60,061	60,061	0	
	replace last 1 tons truck (old 6.0 diesel)	0	0	0	110,000	
ELEC PROD/FLEET		0	0	0	0	

CITY OF MASCOUTAH
CIP/FAR ONLY
ALL FUNDS & FUNDING

8200	CAPITAL IMPROVEMENTS	Calculated			
8500	FIXED ASSET REPLACEMENT	Jan-23	12/12's		
		YTD	shaded is	Proposed	
		Budget23	Actual 23	manual entry	Budget24
ELEC DIST	E4 bucket truck				200,000
	replace dump truck				85,000
	led lt fixture	25,000	0	22,000	25,000
	I64 overhead line crossing	60,000	20,194	20,194	0
	AMI METERING WAVE L/W/S	100,000	109,663	109,663	150,000
					FY24 - continue ami metering

WATER	locator for water				10,000
	AMI METERING WAVE SPLIT L/W/S	50,000	41,030	50,000	50,000
					FY24 - keep this in FAR

SEWER	AMI Metering wave split l/w/s	50,000	41,030	50,000	50,000
					FY24 continue ami meter change outs

SEWER PLANT		0	0	0	0
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FIRE		0	(32,333)	0	0
					truck journal entry for liability borrow (acctg)

TIF2b	reconductor Lebanon St	175,000	0	0	175,000
					Larry looking into wire prices FY23, then no need

	total all fixed asset replacements	930,600	514,915	627,733	1,025,500
	total general fund FAR	228,500	107,976	132,521	249,500
	total electric fund FAR	185,000	129,857	151,857	460,000
	total water/sewer fund FAR	100,000	82,060	100,000	110,000
	total amb fund FAR	234,100	222,808	232,808	10,000
	total parks & rec fund FAR	8,000	4,547	10,547	21,000
	total tif2b fund FAR	175,000	0	0	175,000
	total fire dept fund FAR	0	(32,333)	0	0
	total calculation check	930,600	514,915	627,733	1,025,500
	total check with snapshot	930,600	514,915	627,733	1,025,500

ORDINANCE NO. 23-__

ANNUAL BUDGET ORDINANCE FOR THE FISCAL YEAR
2023 ----- 2024

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, AT ST. CLAIR COUNTY, ILLINOIS:

SECTION 1: That there be and is hereby budgeted for Municipal purposes for the City of Mascoutah, in the County of St. Clair, State of Illinois, for the fiscal year commencing on the first day of May 2023, and ending on the thirtieth day of April 2024, **the sum of thirty-seven million, three hundred thirty-six thousand, two hundred fifty-six dollars (\$37,336,256)** distributed for purposes as described in *Attachment "A"* to this ordinance. This budget is adopted under the State of Illinois' Budgeting System.

SECTION 2: That the balance on hand in the various funds budgeted for the fiscal year ending on the thirtieth day of April 2023 are hereby returned to the respective funds for redistribution.

SECTION 3: This Ordinance is effective immediately and shall go into full force May 1st, 2023, or at the earliest time as may be legal under state law.

Passed this 17th day of April, 2023, on the following roll call vote:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Pat McMahan	_____	_____	_____	_____
John Weyant	_____	_____	_____	_____
Wally Battas	_____	_____	_____	_____
Nick Seibert	_____	_____	_____	_____
Eric Kohrmann	_____	_____	_____	_____

Mayor

ATTEST:

City Clerk
(Seal)

Attachment B

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council

FROM: Becky Ahlvin, City Manager

SUBJECT: Code Change – Electric, Water & Sewer Rates (first reading)

MEETING DATE: April 3, 2023

REQUESTED ACTION:

Council consideration of approval of revisions to Chapter 11 – Electric System and Chapter 38 – Water and Sewer Rates of the City Code by adoption of ordinance.

BACKGROUND & STAFF COMMENTS:

Electric Rates

Last fiscal year, recommendation was to increase the base customer charge only on all rate classes; there was no increase to the energy charge for usage last fiscal year.

For the upcoming Fiscal Year 2023-2024, the Finance Committee and staff are recommending a 3% increase for electric rates; both base customer charge and usage energy charge for all user classifications. This increase is due to project costs, increased debt and increased pricing in supplies. There has been no increase in electric energy charge since 2016.

The attached ordinance changes the electric rates for the upcoming FY23-24.

With regards to the City's net metering policy and customer self-generation interconnection policy, the Fair Solar Credit for Energy Produced needs to be updated for 2023. Mascoutah's rate is provided by IMUA and is increasing from \$0.0538 to \$0.0999. This new rate will go into effect April 2023.

In addition, two new customer classifications are being added to the code. The medium industrial rate classification is for nonresidential customers with a minimum monthly billing demand of 1,000 kW and minimum annual energy usage of 4,400,000 kWh. The large industrial rate classification is for nonresidential customers with a minimum monthly billing demand of 5,000 kW and a minimum annual energy usage of 22,000,000 kWh. These rates were previously discussed by Council and the Finance Committee in November and were discussed with Finance Committee during review of the FY23-24 budget with representatives from IMEA and BHMG.

Water/Sewer Rates

For the upcoming Fiscal Year 2022-2023, the Finance Committee and staff are recommending an increase for water/sewer rates. This increase is due to the Wastewater Treatment Plant expansion project and increased project costs due to upgrades from EPA regulations for the plant and lift stations along with increased pricing in supplies and increased water purchased costs.

Last fiscal year the City increased the water/sewer rates by the current CPI rate of 5.82%; but increased the sewer base charge to a flat \$27.50. This fiscal year, recommendation is to increase the water/sewer rates and base charges by 3%.

The IEPA loan payment for the plant expansion is projected to be \$759,575 annually (based on a \$13,601,000 20-year loan with interest rate of 1.15%). Revenues generated from these past two years of rate increases will be evaluated during future fiscal years to determine the need for additional rate increases in the coming years to fund the loan payment.

The attached ordinance changes the water/sewer rates for the upcoming FY23-24.

Attached is a spreadsheet showing the average bill increase per household and history of rate changes for electric, water and sewer.

RECOMMENDATION:

Council approval of Ordinances, as attached.

SUGGESTED MOTION:

I move that the City Council approve and adopt Ordinance 23-____, thereby modifying Chapter 11, Electric System, Article 1, General Regulations, Section 1; and approve and adopt Ordinance No. 23-____, thereby modifying Chapter 38, Article 4 Division 2 Water Rates, Section 12 and Division 3 Sewer Rates, Section 31.

Prepared By: Kari D. Speir
Kari Speir
Assistant City Manager

Approved By: Becky Ahlvin
Becky Ahlvin
City Manager

Attachments: A – Spreadsheet – Average Utility Bill Increase per Household
B – Ordinance – Electric Rates
C – Ordinance – Water/Sewer Rates

TOTAL INCREASED COST ESTIMATE FOR ALL UTILITIES USING WATER 3% + SEWER 3% + ELECTRIC 3% (TO CAPTURE IMEA INCREASE) = 3% IS WHAT IS RECOMMENDED BY FINANCE COMMITTEE SO THERE IS A SLIGHT INCREASE EACH YEAR FOR INCREASED DEBT AND INCREASED WHOLESALSA COST, RATHER THAN HIT CUSTOMERS WITH A LARGE INCREASE AT A LATER DATE ALL AT ONCE.

Household difference water and sewer overall, using 3% as finance committee recommended	
Senior	\$ 1.77
1 person	\$ 1.99
2 people	\$ 2.85
4 people	\$ 4.57
5 people	\$ 5.43

Household difference electric overall, using 3% as finance committee recommended	
Senior	\$ 4.27
1 person	\$ 8.85
2 people	\$ 16.90
4 people	\$ 17.21
5 people	\$ 21.40

Household difference all utilities overall increase using 3% as finance committee recommended	
Senior	\$ 6.04
1 person	\$ 10.84
2 people	\$ 19.75
4 people	\$ 21.78
5 people	\$ 26.83

Attachment A

The average monthly usage is 2,000 gallons per person. Most customers in Mascoutah use less water than the national averages.

Current Rates: Water \$0.00691 Sewer \$0.00722

	Gallons	Water Base	Water Usage	Water Municipal T1	Sewer Facility	Sewer Usage	Total W/S Portion
Senior	1500	\$ 9.71	\$ 10.37	\$ 0.60	\$ 27.50	\$ 10.83	\$ 59.01
1 person	2000	\$ 9.71	\$ 13.82	\$ 0.71	\$ 27.50	\$ 14.44	\$ 66.18
2 people	4000	\$ 9.71	\$ 27.64	\$ 1.12	\$ 27.50	\$ 28.88	\$ 94.85
4 people	8000	\$ 9.71	\$ 55.28	\$ 1.95	\$ 27.50	\$ 57.76	\$ 152.20
5 people	10000	\$ 9.71	\$ 69.10	\$ 2.36	\$ 27.50	\$ 72.20	\$ 180.87

Proposed Rates:		Water	Water Usage	Water Municipal T1	Sewer Facility	Sewer Usage	Total W/S Portion
Incr 3%		Water	Water	Water	Sewer	Sewer	Total
Gallons	Base	Usage	Municipal T1	Facility	Usage		
Senior	1500	\$ 10.00	\$ 10.68	\$ 0.62	\$ 28.33	\$ 11.15	\$ 60.78
1 person	2000	\$ 10.00	\$ 14.23	\$ 0.73	\$ 28.33	\$ 14.87	\$ 68.16
2 people	4000	\$ 10.00	\$ 28.47	\$ 1.15	\$ 28.33	\$ 29.75	\$ 97.70
4 people	8000	\$ 10.00	\$ 56.94	\$ 2.01	\$ 28.33	\$ 59.49	\$ 156.77
5 people	10000	\$ 10.00	\$ 71.17	\$ 2.44	\$ 28.33	\$ 74.37	\$ 186.30

Household difference

Senior	\$ 1.77
1 person	\$ 1.99
2 people	\$ 2.85
4 people	\$ 4.57
5 people	\$ 5.43

cpi figures:	Annual
2021	247.628
2022	270.656

notes:

WWTP = IEPA LOAN FOR \$13,601,000 MILLION @ 1.15% 20 years

increase in project cost of \$5 million

city will have to pay average costs approx \$3 million

payments now approx \$759575 annually

increase per customer figures:

759,575 / 12 months = 63,297.92

63,297.92 / 3598 customers = 17.59253

need to increase \$17.59/month per cust (Incr \$5 FY2122, Incr FY2223 cpi 5.82% from \$25.00 to \$27.50)

notes:

if increase residential water base 3% will increase water base revenues approx \$12,720

using residential customers x base rate (3655 cust x rate diff x 12 mo)

if increase residential sewer base 3% will increase sewer base revenues approx \$36,345

using residential customers x base rate (3649 cust x rate diff x 12 mo)

if increase water and sewer charges for service residential 3% will increase revenue approx \$75,000

for each using residential customers x average usage charges for service posted to gl

and using the 12/12's ratio calculations

The average monthly usage is 2,000 gallons per person. Most customers in Mascoutah use less water than the national averages.

Current Rates: Water \$ 0.00691 Sewer \$0.00722

	Gallons	Water Base	Water Usage	Water Municipal T1	Sewer Facility	Sewer Usage	Total W/S Portion
Senior	1500	\$ 9.71	\$ 10.37	\$ 0.60	\$ 27.50	\$ 10.83	\$ 59.01
1 person	2000	\$ 9.71	\$ 13.82	\$ 0.71	\$ 27.50	\$ 14.44	\$ 66.18
2 people	4000	\$ 9.71	\$ 27.64	\$ 1.12	\$ 27.50	\$ 28.88	\$ 94.85
4 people	8000	\$ 9.71	\$ 55.28	\$ 1.95	\$ 27.50	\$ 57.76	\$ 152.20
5 people	10000	\$ 9.71	\$ 69.10	\$ 2.36	\$ 27.50	\$ 72.20	\$ 180.87

Proposed Rates:		Water	Water Usage	Water Municipal T1	Sewer Facility	Sewer Usage	Total W/S Portion
Incr 5%		Water	Water	Water	Sewer	Sewer	Total
Gallons	Base	Usage	Municipal T1	Facility	Usage		
Senior	1500	\$ 10.20	\$ 10.88	\$ 0.63	\$ 28.88	\$ 11.37	\$ 61.96
1 person	2000	\$ 10.20	\$ 14.51	\$ 0.74	\$ 28.88	\$ 15.16	\$ 69.48
2 people	4000	\$ 10.20	\$ 29.02	\$ 1.18	\$ 28.88	\$ 30.32	\$ 99.59
4 people	8000	\$ 10.20	\$ 58.04	\$ 2.05	\$ 28.88	\$ 60.65	\$ 159.81
5 people	10000	\$ 10.20	\$ 72.56	\$ 2.48	\$ 28.88	\$ 75.81	\$ 189.92

Household difference

Senior	\$ 2.95
1 person	\$ 3.31
2 people	\$ 4.74
4 people	\$ 7.61
5 people	\$ 9.04

The average monthly usage is 2,000 gallons per person. Most customers in Mascoutah use less water than the national averages.

Current Rates: Water \$ 0.00691 Sewer \$0.00722

	Gallons	Water Base	Water Usage	Water Municipal T1	Sewer Facility	Sewer Usage	Total W/S Portion
Senior	1500	\$ 9.71	\$ 10.37	\$ 0.60	\$ 27.50	\$ 10.83	\$ 59.01
1 person	2000	\$ 9.71	\$ 13.82	\$ 0.71	\$ 27.50	\$ 14.44	\$ 66.18
2 people	4000	\$ 9.71	\$ 27.64	\$ 1.12	\$ 27.50	\$ 28.88	\$ 94.85
4 people	8000	\$ 9.71	\$ 55.28	\$ 1.95	\$ 27.50	\$ 57.76	\$ 152.20
5 people	10000	\$ 9.71	\$ 69.10	\$ 2.36	\$ 27.50	\$ 72.20	\$ 180.87

Proposed Rates:		Water	Water Usage	Water Municipal T1	Sewer Facility	Sewer Usage	Total W/S Portion
Incr cpi 9.3%		Water	Water	Water	Sewer	Sewer	Total
Gallons	Base	Usage	Municipal T1	Facility	Usage		
Senior	1500	\$ 10.61	\$ 11.33	\$ 0.66	\$ 30.06	\$ 11.84	\$ 64.49
1 person	2000	\$ 10.61	\$ 15.11	\$ 0.77	\$ 30.06	\$ 15.78	\$ 72.33
2 people	4000	\$ 10.61	\$ 30.21	\$ 1.22	\$ 30.06	\$ 31.57	\$ 103.67
4 people	8000	\$ 10.61	\$ 60.42	\$ 2.13	\$ 30.06	\$ 63.13	\$ 166.35
5 people	10000	\$ 10.61	\$ 75.53	\$ 2.58	\$ 30.06	\$ 78.91	\$ 197.70

Household difference

Senior	\$ 5.49
1 person	\$ 6.15
2 people	\$ 8.82
4 people	\$ 14.15
5 people	\$ 16.82

ELECTRICAL RESIDENTIAL - increasing 3% usage and 3% facility charge

FY2223 Current Rates: Residential \$ 0.06640

	Kwh	Electric		Electric	Kwh usage	Purchase	Power Adj Ave	State of IL		Municipal		Municipal	Total
		Base	16.00					Util Tax 5%	1st 2000 Kwh	Util Tax	Next 48000 Kw		
one bedroom	905	\$	16.00	\$	60.09	\$	60.09	\$	6.01	\$	4.18	\$	146.37
two bedroom	2000	\$	16.00	\$	132.80	\$	132.80	\$	13.28	\$	9.24	\$	304.12
three bedroom	3925	\$	16.00	\$	260.62	\$	260.62	\$	26.06	\$	18.13	\$	581.44
four bedroom	4000	\$	16.00	\$	265.60	\$	265.60	\$	26.56	\$	18.48	\$	592.24
five bedroom	5000	\$	16.00	\$	332.00	\$	332.00	\$	33.20	\$	23.10	\$	736.30

FY2324 Proposed Rates: Residential \$ 0.0684 *finance committee recommends 3% to capture imea incr at least*

<i>incr 16.00 to 16.48 which is 3%</i>													
	Kwh	Electric		Electric	Kwh usage	Purchase	Power Adj Ave	State of IL		Municipal		Municipal	Total
		Base	16.48					Util Tax 5%	1st 2000 Kwh	Util Tax	Next 48000 Kw		
one bedroom	905	\$	16.48	\$	61.89	\$	61.89	\$	6.19	\$	4.18	\$	150.64
two bedroom	2000	\$	16.48	\$	136.78	\$	136.78	\$	13.68	\$	9.24	\$	312.97
three bedroom	3925	\$	16.48	\$	268.44	\$	268.44	\$	26.84	\$	18.13	\$	598.33
four bedroom	4000	\$	16.48	\$	273.57	\$	273.57	\$	27.36	\$	18.48	\$	609.45
five bedroom	5000	\$	16.48	\$	341.96	\$	341.96	\$	34.20	\$	23.10	\$	757.70

Household difference

one bedroom	\$	4.27
two bedroom	\$	8.85
three bedroom	\$	16.90
four bedroom	\$	17.21
five bedroom	\$	21.40

notes:
we have approximately 3,555 electric customers

if increase electric base for residential from \$16.00 to \$16.48 will increase revenue base approx \$36,643.20
using residential customers x base rate (16.00-16.48 = 0.48 x 3555 customers = \$1706.40 x 12 months = \$20,476.80)

if increase electric base for residential from \$16.00 to \$17.00 will increase revenue base approx \$45,804.00 (this is a 6.25% increase)
using residential customers x base rate (17.00-16.00 = 1.00 x 3555 customers = \$3,555.00 x 12 months = \$42,660.00)

if increase charges for service residential only 3.0% will increase revenue approx \$119,000
using residential customers x average usage charges for service posted to gl

Water Base Charge History		Sewer Facility Charge History	
10/2/1989	\$ 4.53		
2/21/1995	\$ 5.66		
4/1/1996	\$ 8.04		
4/15/1996	\$ 6.42		
3/15/1999	\$ 6.42		
12/1/2003	\$ 7.42	\$ 8.72	
FY0708	\$ 7.62	\$ 15.22	
FY0809	\$ 7.62	\$ 15.63	
FY0910	\$ 7.89	\$ 16.18	
FY1011	\$ 7.97	\$ 16.34	
FY1112	\$ 7.97	\$ 16.34	
FY1213	\$ 7.97	\$ 16.34	
FY1314	\$ 7.97	\$ 16.34	
FY1415	\$ 8.08	\$ 16.56	
FY1920	\$ 8.25	incr as ordinance states cpi rate	incr for wwtp cpi + \$5
FY2021	\$ 8.37	incr as ordinance states cpi rate	incr as ordinance states cpi rate
FY2122	\$ 9.18	incr as ordinance states cpi rate	incr to flat \$25 as recommended finance committee
FY2223	\$ 9.71	incr as ordinance states cpi rate	incr as ordinance states cpi rate
FY2324	\$ 10.62	incr as ordinance states cpi rate	incr as ordinance states cpi rate 9.3%
FY2324	\$ 10.00	use 3% not cpi 9.3%	use 3% not cpi 9.3%

Electric Rates - residential			
	usage		base
FY0506	0.053		\$ 6.10
FY0607	0.0579		\$ 6.65
FY0708	0.0619		\$ 7.71
FY0809	0.0636		\$ 7.92
FY0910	0.0658	3.50%	\$ 8.20
FY1011	0.0668	1.50%	\$ 8.32
FY1112	0.0678	1.50%	\$ 8.32
FY1617	0.0664		\$ 9.50
FY2223	0.0664		\$ 16.00
FY2324	0.0726	cpi 9.3%	\$ 17.49
FY2324	0.0684	use 3%	\$ 16.48

Water Rates (residential in-town) & per 1000 gallons		Sewer Rates	
FY0506	\$ 2.98		\$ 4.36
FY0607	\$ 4.17		\$ 5.32
FY0708	\$ 5.00		\$ 5.32
FY0809	\$ 5.14		\$ 5.46
FY0910	\$ 5.32		\$ 5.66
FY1011	\$ 5.59		\$ 5.83
FY1112	\$ 5.67		\$ 5.92
FY1213	\$ 5.67		\$ 5.96
FY1314	\$ 5.67		\$ 5.92
FY1415	\$ 5.75		\$ 6.00
FY1920	\$ 5.87	incr as ordinance states cpi rate	\$ 6.13
FY2021	\$ 5.95	incr as ordinance states cpi rate	\$ 6.22
FY2122	\$ 6.53	incr as ordinance states cpi rate	\$ 6.82
FY2223	\$ 6.91	incr as ordinance states cpi rate	\$ 7.22
FY2324	\$ 7.55	incr as ordinance states cpi rate	\$ 7.89
FY2324	\$ 7.12	use 3% not cpi 9.3%	\$ 7.44

ORDINANCE NO. 23-__

AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
CHAPTER 11, ELECTRIC SYSTEM, ARTICLE 1, GENERAL REGULATIONS
SECTION 1 OF THE CITY OF MASCOUTAH, ILLINOIS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, IN
ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Amending CHAPTER 11, ELECTRIC SYSTEM, ARTICLE 1,
GENERAL REGULATIONS, SECTION 1, to amend the ELECTRIC RATES as attached.

SECTION 2: This ordinance shall be in full force and effect May 1, 2023, after passage,
approval and publication as required by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St.
Clair, State of Illinois, upon motion by Councilman _____, seconded by Councilman
_____, adopted on the following roll call vote on the 17th day of April, 2023, and deposited
and filed in the Office of the City Clerk in said City on that date.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
John Weyant	___	___	___
Walter Battas	___	___	___
Nick Seibert	___	___	___
Eric Kohrmann	___	___	___
Pat McMahan	___	___	___

APPROVED AND SIGNED by the Mayor of the City of Mascoutah, Illinois, this 17th
day of April, 2023.

ATTEST:

Mayor

City Clerk
(SEAL)

Attachment B

ELECTRIC SYSTEM ARTICLE I. GENERAL REGULATIONS

Sec. 11-1-1. Classification of uses.

The following classification of electric service, at the rates and on the qualifications, conditions and terms as respectfully set forth be and hereby are established for the sale of electric energy, by the municipal electric utility, to customers located within the corporate limits or adjacent to the distribution lines of the municipal electric utility.

(a) *Residential rate—Rate 1.* The gross charges shall equal the sum of the charges below.

- (1) Customer Charge ~~\$16.00~~ **\$16.48** per month in FY ~~22-23~~**23-24**.
- (2) Energy Charge For all KW-HR – ~~6.64~~ **6.84** cents per KW-HR in FY ~~22-23~~**23-24**.

The minimum monthly bill shall be the facilities charge. This rate is applicable to residences and for those purposes that are predominantly domestic.

(b) *Commercial and small power rate—Rate 2.*

First 4,500 KW hrs. used per month – ~~7.64~~ **7.87** cents per KW hr. in FY ~~22-23~~**23-24**.
Over 4,500 KW hrs. used per month – ~~6.94~~ **7.15** cents per KW hr. in FY ~~22-23~~**23-24**.

The customer charge shall be ~~\$23.50~~ **\$24.21** per month. This rate is applicable to stores, shops, garages, depots, public halls, hospitals, mills, factories, pool rooms, taverns, soft drink parlors and other places of business, public resort or amusement.

Transformer charge. If the city owns and operates transformers to convert the voltage from the main supply line to the voltage required by the customer, the customer shall be billed a charge of \$1.00 per KW for each KW of distribution capacity for each billing period.

(c) *Large power rate—Rate 3.*

First 4,500 KW hrs. used per month – ~~7.55~~ **7.78** cents per KW hr. in FY ~~22-23~~**23-24**.
Over 4,500 KW hrs. used per month – ~~6.81~~ **7.01** cents per KW hr. in FY ~~22-23~~**23-24**.

The customer charge shall be ~~\$23.50~~ **\$24.21** per month.

Rate 3 shall apply to all customers having a monthly demand of 75 kilowatts or greater with a non-lighting or heat load of more than 25 percent of the total demand, and to customers presently being served under a contract which provides for billing under this rate.

Transformer charge. If the city owns and operates transformers to convert the voltage from the main supply line to the voltage required by the customer, the customer shall be

billed a charge of \$1.00 per KW for each KW of distribution capacity for each billing period.

Larger power rate: Rate 3a. For commercial customers with at least 30,000 KWH/ month.

- First 200 KWH per KW of billing demand— ~~\$.0415~~ **\$.0427** per KWH in FY ~~22-23~~**23-24**.
- Over 200 KWH per KW of billing demand—~~\$.0130~~ **\$.0134** per KWH in FY ~~22-23~~**23-24**.
- Customer charge—~~\$136.50~~ **\$140.60** in FY ~~22-23~~**23-24**.
- Demand charge per KW—~~\$9.15~~ **\$9.42** in ~~22-23~~**23-24**.

(d) *Residential and Commercial Space heating—Rate 4.*

First 100 KW hrs. used per month – ~~7.44~~ **7.66** cents per KW hr. in FY ~~22-23~~**23-24**.
Next 700 KW hrs. used per month – ~~6.94~~ **7.15** cents per KW hr. in FY ~~22-23~~**23-24**.
Over 800 KW hrs. used per month – ~~5.44~~ **5.60** cents per KW hrs. in FY ~~22-23~~**23-24**.

The electric space heating rate is to apply to energy used during the seven month period October to April, inclusive, and where no other source of fuel for space heating is being used.

Customer Charge - ~~\$19.00~~ **\$19.57** per month.

(e) *Miscellaneous municipal electric service—Rate 5.*

First 5,000 KW hrs. used per month – ~~7.64~~ **7.87** cents per KW hr. in FY ~~22-23~~**23-24**.
Next 20,000 KW hrs. used per month – ~~6.57~~ **6.77** cents per KW hr. in FY ~~22-23~~**23-24**.
All over 25,000 KW hrs. used per month – ~~5.78~~ **5.95** cents per KW hr. in FY ~~22-23~~**23-24**.

(f) *Municipal street lighting service—Rate 6.*

(1) *Class of service.* Utility will furnish the classes of service described below each at the corresponding base rates per lamp per month, as indicated in the table of base rates per lamp per month set forth below, including maintenance, depreciation, electric energy requirements, and replacements of lamps and other glassware as required on systems owned and operated by utility, but only including electric energy requirements and lamp replacements on system owned and operated by municipality.

(a) *Class A.* Sodium vapor, mercury vapor or LED lamps, owned and operated by Municipality.

(b) *Class B.* Mercury vapor lamps, sodium vapor lamps or LED lamps on standard overhead wood pole construction, owned and operated by utility.

(c) Class C. Mercury vapor lamps, sodium vapor lamps or LED lamps on standard overhead concrete pole construction or on existing metal pole construction, owned and operated by utility.

(2) *Rates.*

(a) Base rates per lamp per month. The following rates based on 4,000 hours per year burning, including all hours of darkness:

FY 22-23 23-24

<u><i>Size</i></u>	<u><i>Class A</i></u>	<u><i>Class B</i></u>	<u><i>Class C</i></u>
<i>Mercury Vapor</i>			
7200 Lumen, 175 watts	\$3.80	\$11.96	\$17.30
11000 Lumen, 250 watts	5.11	13.47	19.36
17000 Lumen, 400 watts	7.25	17.20	19.77
30000 Lumen, 700 watts	12.68	25.04	35.82
46000 Lumen, 1,000 watts	15.37	28.41	41.42
<i>Sodium Vapor</i>			
8700 Lumen, 100 watts	\$4.54	\$15.47	\$23.53
15000 Lumen, 150 watts	7.30	16.23	24.19
23000 Lumen, 250 watts	10.47	19.67	28.52
46500 Lumen, 400 watts	15.37	25.80	33.76
<i>LED</i>			
5800 Lumen, 70 watts	\$3.09	\$11.09	\$17.09
19100 Lumen, 196 watts	6.78	14.78	20.78

(g) *Customer area lighting service—Rate 7.*

(1) *Availability.* Any customer located in territory served by utility may take service under this service classification for lighting outdoor areas, where the period of lighting is limited from dusk to dawn, subject to the following conditions:

- (a) That customer is located adjacent to utility lines from which such service can be rendered, and
- (b) That customer enters into a written contract with utility for service, for a period of one year.

(2) *Rates.* The gross charge shall equal the sum of the charges below and other applicable charges.

(a) *Lamp charges.* If the lighting fixtures can be installed on an existing distribution type wood pole and service can be supplied from an existing overhead secondary

circuit on the pole, the monthly charges applicable to such installation shall be as follows:

FY 22-23 23-24

<u>Type of Lamp</u>	<u>Lumen Rating</u>	<u>Wattage Rating</u>	<u>\$Charges Per Month</u>
<u>Area Lighting</u>			
Mercury Vapor	6,400	175	\$6.90
Mercury Vapor	9,400	250	6.80
Mercury Vapor	16,000	400	13.81
Mercury Vapor	45,200	1,000	19.00
Sodium Vapor	8,500	100	7.71
Sodium Vapor	15,000	150	8.28
Sodium Vapor	22,000	250	13.81
Sodium Vapor	45,000	400	25.32
LED	5,800	70	3.03
LED	15,600	152	5.96
Pole Rental		\$2.00 per month	
<u>Directional Lighting</u>			
Sodium Vapor	22,000	250	15.83
Sodium Vapor	45,000	400	19.00
Metal Halide	20,000	250	25.32
Metal Halide	40,000	400	25.32
Metal Halide	117,000	1,000	40.29
Metal Halide		1,500	
Quartz		500	5.76
LED Flood Light	9,520	85	6.06
LED Flood Light	14,190	129	8.15

(b) *Additional charges.* If additional facilities or fixtures other than utility's standard type of rearrangement of existing facilities shall be required to serve customer, utility shall install, operate and maintain such facilities for an additional monthly charge. These charges shall be in addition to the lamp charges.

(h) *Fair Solar Credit Rate for Energy Produced—Rate 8.*

For all approved on-site generating facilities “avoided cost” shall be determined based on the sum of 1 and 2 below:

1. The rate in cents per kWh as published and approved annually by the governing body of the City of Mascoutah based on the calculations and recommendation from the City of Mascoutah’s electric wholesale supplier. The rate shall take into consideration the following:

- a. Historic real time pricing of prior calendar year of energy in the wholesale market as valued at the locational marginal pricing (LMP) for that location as

defined by the appropriately located Regional Transmission Organization (RTO).

- b. Solar-weighted LMP: The simple average of the LMP weighted using Solar Weighting. Solar weighting is the expected production of each hour of a typical solar installation as determined using the National Renewable Energy Laboratory (NREL) System Advisory Model (SAM) as may be amended from time to time.
 - c. Capacity value: Appropriate RTO capacity price with solar factors applied for average system peak times.
 - d. Transmission Value: Appropriate RTO transmission cost recovery with solar factor applied for average peak times.
2. The rate in cents per kWh as calculated by the City of Mascoutah for the avoidance of distribution system losses.

~~Fair Solar Credit Rate for Energy Produced—5.38 cents per KW-HR.~~

(i) *Medium Industrial Rate—Rate 9.*

- (1) Available to nonresidential customers with a minimum monthly billing demand of 1,000 kW and a minimum annual energy usage of 4,400,000 kWh.**
- (2) The rates charged to the Customer shall be calculated as follows:**
 - a. Customer Meter Charge: \$1,000.00 per month**
 - b. Energy Charge: \$0.015 per kWh**
 - c. Demand Charge: \$18.00 per kW**

(j) *Large Industrial Rate—Rate 10.*

- (1) Available to nonresidential customers with a minimum monthly billing demand of 5,000 kW and a minimum annual energy usage of 22,000,000 kWh.**
- (2) The rates charged to the Customer shall be calculated as follows:**
 - a. Customer Meter Charge: \$1,000.00 per month**
 - b. Energy Charge: Wholesale Energy Charge PLUS \$0.035 per kWh for all kWh's used per month**
 - c. Demand Charge: Wholesale Demand Charge PLUS \$1.50 per kW for all kW of billing demand**
 - d. Billing Demand:**
 - (i) billing demand is defined as the highest hourly integrated demand in kW of all of Customer's primary meters each month**

- (ii.) for purposes of determining the demand charges under this rate, billing demand is defined as the maximum hourly kW demand of all of Customer's primary meters at the time of the City's maximum hourly demand for the applicable month.
- e. **Reactive Demand Charge:** is defined as \$0.25 per kVAR for all kVAR's at the time City's maximum hourly demand for the applicable month.
- f. **Energy:** is defined as the amount of energy consumed, measured in kilowatt-hours (kWh).
- g. **Energy Losses:** is defined as two percent (2%) of the amount of energy consumed, measured in kilowatt-hours (kWh).
- h. **Wholesale Energy Charge:** is defined as the Wholesale Energy Charge Rate ("ECR") (per kWh) and the Wholesale Energy Cost Adjustment ("ECA") (per kWh). The ECR and ECA are hereby defined as the per kWh base rates and rate adjustments which are passed on by City's wholesale power supplier, the Illinois Municipal Electrical Agency ("IMEA"), to reflect the actual cost of energy purchased by the IMEA. The calculated adjustments for the previous month's purchases are applied to the current month's usage and then added to the current month's invoice.
- i. **Energy Losses Charge:** is defined as the current month Energy Losses (kWh) multiplied times the current month Energy Charge (per kWh).
- j. **Wholesale Demand Charge:** is defined as the Wholesale Demand Charge Rate ("DCR") (per kW-month) and the Wholesale Demand Cost Adjustment ("DCA") (per kW-month). The DCR and DCA are hereby defined as the per kW-month base rates and rate adjustments which are passed on by City's wholesale power supplier, the Illinois Municipal Electrical Agency ("IMEA"), to reflect the actual cost of capacity purchased by the IMEA. The calculated adjustments for the previous month's purchases are applied to the current month's usage and then added to the current month's invoice.
- k. **Tax Adjustment:** is defined as any tax or charge imposed or levied by any taxing authority including the Illinois State Public Utility Revenue Tax Act and all applicable City municipal utility taxes shall be added to Customer's bill.

Sec. 11-1-6. Consumer Price Index (CPI)

Effective for customer bills rendered after April 30, 2008, each year, at the beginning of the City's fiscal year, the unit charges for electric rates will be adjusted to reflect no more than the percentage increase of change, if any, in the Consumer Price Index for Urban Wage Earners and

Clerical Workers (CPI-W): Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the U.S. Department of Labor, on the first published date after the beginning of the most recent calendar year, to the average comparable index for the previous year (12 months).

Note: This index can be found at www.bls.gov/cpi/

ORDINANCE NO. 23-__

AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
CHAPTER 38, ARTICLE 4, DIVISION 2 WATER RATES, SECTION 12; DIVISION 3
SEWER RATES, SECTION 31; AND DIVISION 4
OF THE CITY OF MASCOUTAH, ILLINOIS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, IN
ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Amending CHAPTER 38, ARTICLE 4, DIVISION 2 WATER RATES,
SECTION 12; DIVISION 3 SEWER RATES, SECTION 31; AND DIVISION 4, to amend the
WATER AND SEWER RATES as attached.

SECTION 2: This ordinance shall be in full force and effect May 1, 2023, after passage,
approval and publication as required by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St.
Clair, State of Illinois, upon motion by Councilman _____, seconded by Councilman
_____, adopted on the following roll call vote on the 17th day of April, 2023, and deposited
and filed in the Office of the City Clerk in said City on that date.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
John Weyant	___	___	___
Walter Battas	___	___	___
Nick Seibert	___	___	___
Eric Kohrmann	___	___	___
Pat McMahan	___	___	___

APPROVED AND SIGNED by the Mayor of the City of Mascoutah, Illinois, this 17th
day of April, 2023.

ATTEST:

Mayor

City Clerk
(SEAL)

Attachment C

DIVISION 2. WATER RATES

Sec. 38-4-12. Water rates.

There shall be established the following rates and charges for the use of the water system of the city, based upon the amount of water consumed as follows:

- (a) Water rates inside city.
 - i. ~~FY 22-23~~**23-24**
~~\$9.71~~ **\$10.00** per month facilities charge (base charge)
~~\$6.91~~ **\$7.12** per 1,000 gallons per month usage fee
- (b) Water rates outside city. (Calculated as twice the in-town rate)
 - i. ~~FY 22-23~~**23-24**
~~\$19.42~~ **\$20.00** per month facilities charge (base charge)
~~\$13.82~~ **\$14.24** per 1,000 gallons per month usage fee

DIVISION 3. SEWER RATES

Sec. 38-4-31. User charge system.

Every person whose premises are served by the authority will be charged for the sewer services provided through a facility charge and service charges.

Facility charges are directed at wastewater plant and collection facility hardware. Service charges are directed at a basic charge based on the water meter readings, or if available, a discharge metering device approved by the authority, and said basic charges shall be as follows and are levied to defray the cost of operation and maintenance and replacement of the treatment works:

Sewer Rates inside City

- (a) Facility charge.
 - i. ~~FY 22-23~~**23-24**. The total facility charge rate shall be ~~\$27.50~~ **\$28.33** per month.
- (b) Service charge.
 - i. ~~FY 22-23~~**23-24**. The service charge shall be ~~\$7.22~~ **\$7.44** per 1,000 gallons metered.
 - ii. Service charges shall be for operation, maintenance, replacement costs, and may be used for debt service recovery.
- (c) Sewer service outside the city. All charges for use of sewer connections where water is supplied thereto by the authority subject to the special provisions herein shall be as follows:
 - a. A facility charge for users outside of the city shall be:
 - i. ~~\$55.00~~ **\$56.66** per month in ~~FY 22-23~~**23-24**.

- ii. This rate shall apply as a facility charge so long as the sewer connection is in service and regardless whether or not water is used during said period, and which facility charge shall entitle the user to continue use.
- b. Service charges shall be at the rate of:
 - i. ~~\$14.44~~ **\$14.88** in FY~~22-23~~**23-24** plus a surcharge of the same amount per 1,000 gallons of water metered.
- c. The rate in subsection (b) above shall apply to the amount of water passing through the water meter except when an approved discharge metering system is utilized. In this case the rate shall apply to that water discharged to the system.
- d. When the user (outside the city) does not receive water provided by the city, provisions for accurate sewer metering will be required.

DIVISION 4. WATER AND SEWER RATES INCREASES BEYOND FY 07-08

Sec. 38-4-40. Consumer Price Index (CPI)

Effective for customer bills rendered after April 30, 2008, each year, at the beginning of the City's fiscal year, the unit charges for all water and sewer rates will be adjusted to reflect no more than the percentage increase of change, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W): Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the U.S. Department of Labor, on the first published date after the beginning of the most recent calendar year, to the average comparable index for the previous year (12 months).

Note: This index can be found at www.bls.gov/cpi/

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council

FROM: Rebecca Ahlvin, City Manager

SUBJECT: Code Change – Right-Of-Way Ordinance

MEETING DATE: April 3, 2023

REQUESTED ACTION:

Council consideration of approval of an ordinance to amend Chapter 38: UTILITIES to add Article 6: CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY.

BACKGROUND & STAFF COMMENTS:

Over the past year, several companies have requested to utilize the City's easements and rights-of-way for their utilities. The City cannot prevent utility companies from utilizing the City's easements and rights-of-way. This addition to the City's code will establish policies and procedures for constructing facilities on rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage and visual qualities of the City rights-of-way and the city as a whole.

RECOMMENDATION:

Council approval of ordinance to amend Chapter 38: UTILITIES to add Article 6: CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY, as attached.

SUGGESTED MOTIONS:

I move that the Council approve and adopt Ordinance No. 23-__, thereby modifying Chapter 38: UTILITIES to add Article 6: CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY.

Prepared By: Rebecca Ahlvin
Rebecca Ahlvin
City Manager

Approved By: Rebecca Ahlvin
Rebecca Ahlvin
City Manager

Attachments: A – Ch. 38, Art. 6 Proposed Language
B – Ordinance

CHAPTER 38, ARTICLE 6: CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

Section

- 38.6.01 Purpose; scope; applicability; prescription
- 38.6.02 Definitions
- 38.6.03 Annual registration required; application for franchise required
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- 38.6.05 Action on permit applications
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- 38.6.21 Enforcement
- 38.6.22 Compensation for use of the rights-of-way
- 38.6.23 Penalty

§ 38.6.01 PURPOSE; SCOPE; APPLICABILITY; PRESCRIPTION.

(A) *Purpose.* The purpose of this chapter is to establish policies and procedures for constructing facilities on rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage and visual qualities of the City rights-of-way and the city as a whole.

(B) *Intent.* In enacting this chapter, the City intends to exercise its authority over the rights-of-way in the city 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 City's utilities and of other utilities lawfully located in rights-of-way or public property;

(4) Protect against environmental damage, including damage to trees, from the installation of utility facilities;

(5) Protect against increased storm water run-off 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 city'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.* Except as provided by applicable law, this chapter shall apply to all excavations, use, construction, operation, and maintenance of facilities or structures in the rights-of-way by any person other than the City. No utility shall commence or continue with the operation of any facilities or structures in the rights-of-way, except as provided and in compliance with this chapter.

(D) *Franchise or license required.*

(1) *Franchise.* Except as may be otherwise provided by law, no utility may construct, maintain, own, control or use facilities or structures in the rights-of-way without a binding lawful franchise with the city granting the privilege of locating such facilities on, over, above, along, upon, under, across or within the city's rights-of-way. In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, the provisions of such franchise shall govern and control during the term of such franchise, and any lawful renewal or extension thereof authorized by the city. All utilities claiming to be engaged in the sale of telecommunications at retail pursuant to ILCS Ch. 35, Act 636, §§ 5-1 et seq. must so state by verified application, and provide the city with the applicable resale number as provided in ILCS Ch. 35, Act 636, § 5-45(a).

(2) *License for incidental use.* Persons desiring to install facilities qualifying as merely an incidental use, which includes installation of temporary structures or minor incidental uses in the rights-of-way, such as mailboxes, driveway aprons, ingress or egress facilities, and similar incidental uses, that utilize a small area of the rights-of-way and serves the principal structure, may be permitted without a franchise pursuant to a license issued by the City Manager. The City Manager shall have discretion to establish such application, requirements, and conditions applicable to such uses consistent with the purposes of this chapter or as otherwise established by law. Any person granted a license hereunder shall be subject to the applicable requirements of this chapter.

(E) *Grant and nature of approval; terms and compensation.* The authority granted by the city in franchise or license shall be for non-exclusive use of the rights-of-way. Such grant does not in any way limit the continuing authority of the city through the proper exercise of its statutory powers to adopt and enforce ordinances necessary to provide for the health,

safety, and welfare of the public. The city specifically reserves the right to grant, at any time, such additional agreements or other rights to use the rights-of-way for any purpose and to any other person, including itself, as it deems appropriate, subject to all applicable laws. The granting of any franchise or license shall not be deemed to create any property interest of any kind in favor of the person, nor shall it create any relationship of agency, partnership, joint venture, or employment between the parties. Except as provided in § 38.6.03(G), all franchises shall be approved by ordinance of the City Council on a non-discriminatory basis, provided that the utility is in compliance with all applicable requirements. All licenses may be approved by the City Manager on a nondiscriminatory basis, provided that the applicant is in compliance with all applicable requirements. Each franchise and license shall include terms of use and be deemed to incorporate the terms of this chapter and other applicable laws of the city, except as may be expressly stated in such franchise or license. Franchise compensation and terms shall be as provided in this code or as may be otherwise lawfully established in the franchise.

(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; preemption.* No provision of this chapter shall apply to any circumstance in which such application shall be unlawful under superseding state or federal law. Furthermore, if any section, division, sentence, clause, phrase, or portion of this chapter is now or in the future superseded or preempted by state or federal law, or found by a court of competent jurisdiction to be unauthorized, that provision shall be automatically interpreted and applied as required by law. In the event that applicable state or federal laws or regulations conflict with the requirements of this chapter, the person or utility shall comply with the requirements of this chapter, to the maximum extent possible without violating state or federal laws or regulations.

(H) *Sound engineering judgment.* The city shall use sound engineering judgment when administering this chapter and may vary the standards, conditions and requirements expressed in this chapter when the city so determines. Nothing herein shall be construed to limit the ability of the city to regulate its rights-of-way for the protection of the public health, safety and welfare.

(I) *No warranty.* The city makes no express or implied representation or warranty regarding its rights to authorize the installation or construction of facilities on any particular segment of rights-of-way and shall not be liable for any damage therefrom. The burden and responsibility for making all such determinations in advance of construction or installation shall be entirely upon the utility. Such utility shall be wholly liable for any damages to facilities or other property due to excavation, facilities construction, or other ROW work performed prior to obtaining the location of all facilities, without cost or liability to the city. No person shall make or attempt to make repairs, relocation, or replacement of damaged or disturbed facilities or uses without the approval of the owner of such facilities.

(J) *Use of city or third-party facilities.* No franchise or license shall be deemed to grant the right to use facilities or other property owned or controlled by the city or a third party, and no such use shall occur, without the express written consent of such party (on file with the city and subject to other applicable requirements), nor shall any franchise or license excuse such person from first obtaining a pole attachment agreement or other express consent for such right or use before locating on the facilities controlled or owned by the city or a third party.

(K) *Lease required for public lands.* Unless otherwise provided, use or installation of any facilities in non-rights-of-way public property of the city shall be permitted only if a lease agreement or other separate written approval has been negotiated and approved by the city, with such reasonable terms as the city may require.

(L) *Condition precedent to permit.* Unless otherwise required by applicable law, no permit required by this chapter may be issued unless or until such person has a valid franchise or license with the city that authorizes that person's use of the rights-of-way. Unless prohibited by applicable law, in addition to any other reason provided herein, the Director may deny a permit to any person that does not have a valid franchise or license with the city.

(M) *Transferability.* Except as provided in this chapter or as otherwise required by law, no franchise, license, or permit may be transferred or assigned to a third party without the written application to, and consent of the city, based on the requirements and policies of this chapter. The city shall not unreasonably withhold its consent as provided herein, but any costs incurred shall be paid by the utility to the extent allowed by law.

(N) *Forfeiture of agreement and privilege.* In case of failure on the part of the person or utility, including its successors and assigns, to comply with any of the provisions of this chapter, or the provisions of franchise or license, or if the person or utility, its successors and assigns, should do or cause to be done any act or thing prohibited by or in violation of this chapter, or the terms of the authorization of such use, or otherwise loses authority to provide its service in the city, the person or utility, its successors and assigns, shall forfeit all rights and privileges permitted by this chapter and any franchise or license, and all rights hereunder shall cease, terminate, and become null and void, provided that the forfeiture shall not take effect until the city shall carry out the following proceedings.

(1) Before the city declares the forfeiture or revocation of a franchise or license, it shall first serve a written notice upon the person, setting forth in detail the neglect or failure complained of.

(2) The person shall have 30 days thereafter, or such other reasonable period established by the City Council, in which to cure the default by complying with the conditions of the franchise or license, and fully remedying any default or violation.

(3) If at the end of such period the city determines that the conditions have not been complied with, and that the person did not reasonably and in the public interest

require more than 30 days to cure the default, the city shall take action by an affirmative vote of the City Council present at the meeting, and voting to terminate the franchise or license, setting out the grounds upon which the agreement or other authorization is to be forfeited or revoked.

(4) Nothing herein shall prevent the city from invoking any other remedy or from declaring immediate forfeiture where the default is incapable of being cured by the utility, including where such defaults or violations have repeatedly occurred.

(O) *No cause of action against the city.* A person or utility shall have no damages remedy or monetary recourse whatsoever against the city for any loss, cost, expense, or damage arising from any of the provisions or requirements of any franchise or license, or because of the enforcement thereof by the city, or from the use of the rights-of-way. Nothing herein shall preclude the person or utility from seeking injunctive or declaratory judgment relief against the city where such relief is otherwise available and the requirements therefor are otherwise satisfied.

(P) *Review required; use of existing facilities.* The design, location, and nature of all facilities shall be subject to the review by staff and approval of the City Manager. Such review shall be on a non-discriminatory basis in application of city policy, and approvals shall not be unreasonably withheld. All new facilities or structures shall collocate on existing poles or existing conduit, trenches or other facilities, to minimize unnecessary use of rights-of-way space, to reduce potential existing or future interference and obstructions, and to reduce the cost to the public or others therefrom, and to maximize the public's ability to use and license appropriate private or public uses of the rights-of-way in the public interest (except where preempted by law or where good cause is established as determined by the city applying these objectives). Where existing poles or facilities are available, or exist at or near the proposed use, unless otherwise approved, the applicant must either use such facilities, or file a written request, verified by the applicant, for exception specifying the specific reasons why such facilities are not available or feasible to be used, and addressing the objectives hereof. City height limitations, applicable zoning restrictions, and general city policies with regard to all users of the rights-of-way shall be applicable to all facilities. The City Manager may establish such regulations or policies as may be deemed necessary or appropriate to effect this provision. For applications for installation of any facility in the rights-of-way, the most restrictive adjacent underlying zoning district classification shall apply unless otherwise specifically zoned and designated on the official zoning map.

(1) (a) No utility may erect, construct, or install new utility poles or other facilities above the surface of the rights-of-way without the written permission of the city based on good cause established by the utility and found by the city. Good cause may be shown by demonstrating the following;

1. There exist other utility poles or support structures, proximate to the area, that are located above ground. For purposes of showing good cause under this factor, evidence of good cause for new utility poles shall only be compared to existing utility poles, evidence of good cause for new support structures shall only be compared to existing support structures;

2. The proposed underground installation is impossible, impractical, or not technically feasible; or

3. When, in the city's judgment, the proposed utility pole installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the proximate area without adversely affecting safety.

(b) Where reasonable and appropriate and where adequate rights-of-way exist, the utility shall place above-ground facilities underground in conjunction with city capital improvement projects and/or at specific locations requested by the city provided that such placement is practical, efficient, and economically feasible. The requirements herein shall not prohibit the replacement of existing utility poles.

(2) (a) All small wireless facilities, as defined in ILCS Ch. 50, Act 840, § 10, in the rights-of-way shall comply with the following requirements, in addition to any other design, safety, spacing, or construction requirements as may be outlined in a franchise agreement or the city's code:

1. The maximum height of a small wireless facility that is collocated on a utility pole or support structure shall be no more than ten feet above the utility pole or support structure that such small wireless facility is collocated;

2. All written design standards, currently in effect or as may hereafter be adopted by the City Manager, applicable to the city's utility poles or support structures shall be followed, along with all stealth, concealment, and any other aesthetic requirements or written design plans applicable to such utility poles or support structures on record, adopted, or in effect within the city, including such stealth, concealment, or other aesthetic requirements for historic landmarks or within a district currently, or hereafter, zoned historic;

3. The small wireless facility and any associated equipment permitted shall be painted the same or similar color as the utility pole or support structure upon which the facility and/or equipment is collocated. If good cause is shown for ground-mounted equipment, such ground-mounted equipment associated with a collocated small wireless facility shall be of such design, including color and size, such that it maximally blends in to the built environment of the proximate area;

4. New or replacement utility poles or support structures may not exceed the higher of:

A. Forty-five feet AGL; or

B. 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 that an applicant submits an application to the city, that is located within 300 feet of the proposed utility pole or support structure and that is in the same ROW within the jurisdiction of the city; provided, however, that the city may designate which intersecting ROW within 300 feet of the proposed utility pole or support structure shall control the height limitation for such facility; without a special use permit approved by City Council.

5. A utility must comply with any requirements imposed by any contract between the city and a private property owner that concerns, or relates to, design or construction standards for utility poles located in the rights-of-way;

6. No new utility poles or other support structures may be installed within the city's rights-of-way without the prior approval of the city upon good cause shown for compliance with design and aesthetic requirements. This requirement does not prohibit modification of existing utility poles or support structures to allow for collocation of small wireless facilities. Replacement utility poles shall be permitted as required by applicable law. In such a circumstance requiring a replacement pole for a small wireless facility, replacement utility poles shall be at the sole cost of the utility proposing the replacement utility pole;

7. No ground-mounted equipment associated with the small wireless facility will be permitted. Waiver to this requirement may be granted by the City Manager upon good cause shown that the utility requires ground-mounted equipment to utilize the site for a small wireless facility. If good cause is shown permitting such ground-mounted equipment for a small wireless facility, no other ground-mounted equipment shall be allowed for the utility, or for the particular utility if the person provides only infrastructure-related services for the utility, within 250 feet of that approved ground-mounted equipment;

8. The proposed collocation, modification, or replacement of utility poles or support structures where approved pursuant to this franchise, shall cause only the minimum possible interference with the use of the rights-of-way and shall cause only the minimum possible impact upon, and interference with, the rights and reasonable convenience of the property owners who adjoin said rights-of-way;

9. The height of all portions of the small wireless facility shall be located at least eight feet above ground level so as not to interfere with pedestrian or vehicle traffic;

10. No portions of the small wireless facility shall extend horizontally from the surface of the utility pole or collocated support structure more than 16 inches;

11. If the proposed utility pole or support structure the person proposes to locate its small wireless facility on is not structurally sound, but the Director finds such site to be a desired location, the Director can require the person to install a substantially similar utility pole or support structure, at the person's cost; and

12. Notwithstanding the maximum size descriptions which define a small wireless facility contained in ILCS Ch. 50, Act 840, § 10 or otherwise contained in applicable law, the proposed installation or collocation shall endeavor to use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the person, regardless of location, for the particular application.

(b) The City Manager may further waive one or more of these requirements upon good cause shown by the person, and provided a showing that the waiver is the minimum necessary to accomplish the purposes of this division (P), or as otherwise required by applicable law. The burden of proof for any waiver shall be wholly on the person and must be shown by clear and convincing evidence.

(Q) *Utility responsible for costs.* The utility shall be responsible for all reasonable costs borne by the city that are directly associated with the utility's installation, maintenance, repair, operation, use, and replacement of its facilities in the rights-of-way that are not otherwise accounted for as part of a permit fee established pursuant to this chapter, to the extent permitted by law. All such costs shall be itemized, and the city's books and records related to these costs shall be made available upon request of the utility.

§ 38.6.02 DEFINITIONS.

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 Ill. Admin. Code 530.30, unless the context clearly requires otherwise.

AASHTO. American Association of State Highway and Transportation Officials.

ANSI. American National Standards Institute.

ANTENNA. Any device that transmits and/or receives radio waves for voice, data or video communications purposes, including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications. A combination of panels, boxes, or other antenna physically connected and designed in conjunction to receive signals at one location in the system shall be considered one antenna.

APPLICANT. A person applying for a franchise, license, or any permit or other authorization to install, maintain, repair or otherwise physically access facilities in the rights-of-way under this chapter.

ASTM. American Society for Testing and Materials.

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 U.S.C. § 522(5).

CABLE SERVICE. That term as defined in 47 U.S.C. § 522(6).

CABLE SYSTEM. That term as defined in 47 U.S.C. § 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.

CITY. The City of Mascoutah, Illinois.

CITY MANAGER. The city's City Manager or his or her designee.

CITY UTILITY POLE. A utility pole owned or operated by the city in public rights-of-way.

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 non-recoverable 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 City of Mascoutah, Illinois.

CONDUCTOR. Wire carrying electrical current.

CONDUIT. A casing or encasement for wires or cables.

CONSTRUCTION or CONSTRUCT or BUILDING OPERATIONS. 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.

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 City Manager 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, antenna, vaults, boxes, equipment enclosures, cabinets, pedestals, transmitters, meters, foundations, poles, towers, conduits, grates, covers, pipes, cables and appurtenances thereto, and any other equipment, infrastructure, structures or obstruction) located on, over, above, along, upon, under, across or within rights-of-way under this chapter. FACILITY shall not include a temporary, lawful presence on rights-of-way such vehicular parking.

FRANCHISE AGREEMENT or FRANCHISE. A binding and accepted ordinance or right-of-way agreement with a person or utility, executed by the city, authorizing the operation of facilities within the rights-of-way of the city.

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 that, due to its quantity, form, concentration, location or other characteristics, is determined by the Public Works Director to pose an unreasonable and imminent risk to the life, health or safety of persons, 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, ILCS Ch. 605, Act 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 State Cable and Video Competition Law, ILCS Ch. 220, Act 5, § 21-401.

IDOT. Illinois Department of Transportation.

ICC. Illinois Commerce Commission.

INCIDENTAL USE. Facilities of a minor nature, such as mailboxes, driveway aprons, private cross-connections or other incidental facilities, that may be permitted by license issued by the Director as provided herein.

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.

J.U.L.I.E. The Joint Utility Locating Information for Excavators utility notification program.

LICENSE. The executed agreement between the city and a person to use and occupy the rights-of-way for the purpose of installing incidental facilities in the rights-of-way, or incidental uses such as ingress and egress facilities, lateral lines, mailboxes or driveway aprons.

LINEAR FOOT. The length in feet of cable, wire, fiber, conduit or other linear facilities. Facilities that are physically connected, wrapped or lashed as a single cable, conduit or bundle of cables or conduit shall be considered a single facility for purposes of calculating each linear foot, provided that each conduit or bundle of conduit, up to and including four inches in exterior diameter, shall constitute a separate facility for calculating linear feet. Conduit having fiber optic or other cable or wire installed within it shall not be considered separate facilities, but shall be considered part of the single "conduit" or bundle for purposes of calculating linear feet. Each utility shall be subject to a separate linear foot charge for facilities used by the utility and subject to this code.

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 the facility or for the construction of a facility.

PERMITTEE. That entity to which a permit has been issued pursuant to §§38.6.04 and 38.6.05 of this chapter.

PERSON. Any corporation, partnership, proprietorship, individual, organization, governmental entity, or any natural person, including, but not limited to, utilities and licensees as referenced herein.

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

PLANNING AND ZONING ADMINISTRATOR. The city's Planning and Zoning Administrator or his or her designee.

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 city. 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.

PUBLIC WORKS DIRECTOR. The city's Public Works Director or his or her designee.

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

RIGHT-OF-WAY, RIGHTS-OF-WAY or ROW. The area on, under, along, across or above any street, alley, roadway, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, in which the city has the right and authority to authorize, regulate or permit the location of facilities other than those of the city, and including such adjacent areas within such public ways within city control, except as may be limited herein or by law. RIGHT-OF-WAY, RIGHTS-OF-WAY or ROW shall not include any real or personal city property that is not specifically described in the previous two sentences, and shall not include city buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

ROADWAY. The 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. The amount of security required pursuant to § 38.6.10 of this chapter.

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

SMALL WIRELESS FACILITY. A wireless communications facility that meets both of the following qualifications:

(1) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and

(2) All other wireless equipment attached to a utility pole or support structure, associated with the small wireless facility, is cumulatively no more than 25 cubic feet in volume, calculated to the extent permitted by law.

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

SUPPORT STRUCTURE. A free-standing structure such as a billboard or other structure designed to, or capable of, supporting wireless communications facilities. A SUPPORT STRUCTURE shall not include a utility pole.

TELECOMMUNICATIONS.

(1) 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 non-traffic-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.

(2) 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.

(3) 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.

(4) TELECOMMUNICATIONS shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. §§ 521 et seq.), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the city through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §§ 76.1500 et seq.), as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER. Any person 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. A person owning, controlling, leasing, maintaining, using, installing, or operating any facility as defined in this chapter, and including all persons subject to the requirement of a franchise or license. A UTILITY may be made up of multiple persons. As defined in this chapter, a UTILITY does not require that the person be certified as a “public utility” by the ICC pursuant to the Public Utilities Act (ILCS Ch. 220, Act 5, §§ 1-101 et seq.). For purposes of this chapter, a UTILITY does not include the city except as may otherwise be required by law.

UTILITY POLE. A pole or similar structure that is used in whole or in part by a utility or for electric distribution, lighting, or traffic control. UTILITY POLE shall not include a support structure.

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 § 21-201(v) of the State Cable and Video Competition Law of 2007, ILCS Ch. 220, Act 5, § 21-201(v).

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.

§ 38.6.03 ANNUAL REGISTRATION REQUIRED; APPLICATION FOR FRANCHISE REQUIRED.

(A) *Annual registration required.* Every utility that occupies a right-of-way within the city shall register on January 1 of each year with the City Manager, 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 § 38.6.08 of this chapter, in the form of a certificate of insurance.

(B) *Franchise or license application required.* An application for a franchise or license, on city forms, shall be presented to the City Manager or designee in writing, and shall include all such information as is required by this section. The utility shall be responsible for accurately maintaining the information in the application during the term of any franchise, and shall be responsible for all costs incurred by the city due to the failure to provide or maintain as accurate any application information required herein. Wherever any application or code requirement is claimed to be preempted by state or federal law, as applied to the circumstances of the applicant and proposed use in the city, such preemption shall be specifically stated, citing the precise provision of law and the specific requirement claimed to be preempted, along with documentation establishing applicability to the circumstances or applicant at issue.

(C) *Application deposit fee.* Except where inconsistent with applicable law, a \$2,500 application deposit fee for review, documentation and approval of such franchise is required to be submitted with the application form to recover any actual costs anticipated and incurred by the city in reviewing, documenting or negotiating such franchise, provided that no costs shall be included if such inclusion is prohibited by applicable law as to that person. If the actual costs are thereafter determined to be less than the application deposit

fee, such amount shall be returned to the person, after written request therefrom. If the actual costs exceed the application deposit fee, such person shall pay such additional amount prior to issuance of any final city approval after written notice from the city.

(D) *Application form.* An applicant shall submit a completed application for a franchise on such form provided by the city, which shall include information necessary to determine compliance with this chapter, including, but not limited to:

- (1) Identity and legal status of the applicant;
- (2) Name, address, telephone number and email address of each officer, agent or employee responsible for the accuracy of the application. Each officer, agent or employee shall be familiar with the local facilities of the applicant, shall be the person(s) to whom notices shall be sent, and shall be responsible for facilitating all necessary communications, including, but not limited to, certification to the city of any material changes to the information provided in such completed application during the term of any franchise;
- (3) Name, address, telephone number and email address of the local representative of the applicant, who shall be available at all times to act on behalf of the applicant in the event of an emergency;
- (4) Proof of any necessary permit, license, certification, grant, registration, franchise, agreement or any other authorization required by any appropriate governmental entity, including, but not limited to, the FCC;
- (5) Description of the applicant's intended use of the rights-of-way, including such information as to proposed services so as to determine the applicable, federal, state and local regulatory provisions as may apply to such person;
- (6) A list of authorized agents, contractors and subcontractors eligible to obtain permits on behalf of the applicant. The list may be updated to add such person at the time of permit application if the updated information on the application is submitted by an authorized representative of the applicant;
- (7) Evidence of insurance, as required in §38.6.08 of this chapter, in the form of a certificate of insurance information sufficient to determine the amount of net assets of the applicant;
- (8) Information sufficient to determine whether the applicant is subject under applicable law to franchising, service regulation, payment of compensation for the use of the rights-of-way, taxation or other requirements of the city;
- (9) Any request to provide telecommunications shall also include all requirements set forth in the Telephone Company Act (ILCS Ch. 220, Act 65, §§ 0.01 et. seq.) or other applicable law; and
- (10) Such other information as may be reasonably required by the City Manager to determine requirements and compliance with applicable regulations.

(E) *Standard for approval or renewal of franchises.* In reviewing an application for a new or renewal of a franchise, the city may consider prior conduct of the person in performance of its obligations or compliance with the city's ordinances in the past, or the existence of any outstanding violations or deficiencies. The city may deny or condition any franchise where the proposed use would interfere with the public use of the rights-of-way or otherwise conflict with the legitimate public interests of the city or as otherwise provided by law. Applications for franchises may be approved, denied or approved with conditions

consistent with requirements of applicable law or other applicable requirements as may be necessary to fulfill the requirements and objectives of this chapter.

(F) *Approval process.* After submission by the applicant of a duly executed and completed application, including applicable application deposit fee, and an executed franchise as may be provided by the City Manager or as modified by the City Manager in review of the specific circumstances of the application, all in conformity with the requirements of this chapter and all applicable laws, the City Manager shall submit the franchise agreement to the City Council for approval. Upon determining compliance with this chapter, the City Council may authorize execution of the franchise (or a modified agreement otherwise acceptable to the city consistent with the purposes of this chapter), and such executed franchise shall constitute consent to use the rights-of-way; provided that nothing herein shall preclude the rejection or modification of any executed franchise submitted to the city, to the extent applicable law does not prohibit such rejection or modification, including, where necessary to reasonably, and in a uniform or nondiscriminatory manner, reflect the distinct engineering, construction, operation, maintenance, public work or safety requirements applicable to the person.

(G) *Administrative approval process; form franchises.*

(1) Various communication related users of the ROW may be subject to various and differing state and federal approval requirements, including timing requirements for expedited or shorter approval times. Accordingly, the City Manager shall have the authority pursuant to this division (G) to execute on behalf of the city such franchise agreements as provided below that are identical to, or substantially the same as, the city's "form" franchises currently on file with the City Clerk, and incorporated herein, where such franchise terms fully comply with applicable law under the application and applicant at issue. City Manager approval may be authorized only for the following circumstance which may require more expedited approvals:

(a) A franchise authorizing use of the ROW for facilities authorized solely to provide "telecommunications at retail" as are subject to specific state law definitions and requirements, specifically being limited to such services as "sale of telecommunications at retail" as defined in ILCS Ch. 35, Act 635, § 10 and "telecommunications" "sale at retail" as defined in ILCS Ch. 35, Act 636, § 5-7 as may be applicable; and

(b) A franchise authorizing use of the ROW for facilities authorized to provide communications services that may include both such "telecommunications at retail" (being limited to such services as "sale of telecommunications at retail" as defined in ILCS Ch. 35, Act 635, § 10 and "telecommunications" "sale at retail" as defined in ILCS Ch. 35, Act 636, § 5-7 as may be applicable), and other services or facilities (including but not limited to wholesale, dark fiber or other communications services that are not "telecommunications at retail" and are subject to the city's linear foot fee as provided for in § 53.23, except where may be otherwise provided by applicable law).

(2) To the extent not prohibited by applicable law, the City Manager may execute these form franchise agreements with applicants without any additional approval by the City Council upon determination by the City Manager that the applicant satisfies the city's requirements and policies for issuance of a franchise pursuant to this code. Failure to include a specific form franchise shall in no way preclude an applicant seeking to utilize the city's rights-of-way for any authorized service from applying for such a franchise and

receiving authorization as provided for by the City Council in this division (G). The administrative approval process in this division (G) shall not be available for any franchise or license not provided for herein or any franchise or license for which the City Manager determines there are material changes to the form, or where full compliance with the code has not been demonstrated. Upon determination by the City Manager that a form franchise agreement (or such form with any minor or ministerial changes or clarifications from the application or review that are consistent with the purposes of the policies and code of the city) may be properly issued based on the application submitted, the City Manager may so indicate to the applicant and request an executed copy be returned to the city for execution by the City Manager within a reasonable time period stated. If actual or potential regulatory or other deadlines warrant more immediate action by the city, the City Manager may alternatively send to the applicant the completed franchise agreement already executed by the City Manager which franchise agreement shall be valid only if thereafter executed by applicant, dated and returned to the city all within seven calendar days of the date of execution by the City Manager. For purposes of this division (G), RETURNED TO THE CITY shall mean a complying document delivered to City Hall and date and time stamped by the City of such receipt. No franchise or license shall be valid to authorize use of the ROW if not executed by both parties in conformance with all applicable requirements of this code. Such executed transmittal to the applicant shall be deemed completion of the city's obligation under any applicable time requirements for a final decision.

§ 38.6.04 PERMIT REQUIRED; APPLICATIONS AND FEES.

(A) *Permit required.*

(1) No person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across or within any city right-of-way which:

- (a) Changes the location of the facility;
- (b) Adds a new facility;
- (c) Disrupts the right-of-way (as defined in this chapter); or

(d) 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 City Manager and obtaining a permit from the city therefore, except as otherwise provided in this chapter.

(2) 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.

(B) *Permit application.* All applications for permits pursuant to this chapter shall be filed on a form provided by the city and shall be filed in such number of duplicate copies as the city may designate.

(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 (including a 24-hour emergency contact telephone number);

(2) The applicant's name and address, if different than the utility, its telephone, 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 city:

(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 city and shall promote protection of the safety and convenience of the public. Compliance with Illinois Commerce Commission (ICC) regulations for emergency contingency plans constitutes compliance with this section unless the city 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 § 38.6.08 of this chapter;

(8) Evidence of posting of the security fund as required in § 38.6.10 of this chapter;

(9) Any request for a variance from one or more provisions of this chapter (see § 38.6.21 of this chapter); and

(10) Such additional information as may be reasonably required by the city, to include, but not necessarily limited to, digital submission of data in a format acceptable by the city for inclusion in the city's geographical information system (GIS) such as spatially referenced digitized drawings.

(D) *Supplemental application requirements for specific types of utilities.* In addition to the requirements of division (C) above, 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 Illinois Commerce Commission (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 State Environmental Protection Agency, Division of Public Water Supplies, have been satisfied; and state the proposed pipe size, design, construction class and operating pressures;

(4) In the case of sewer line installations, indicate that the land and water pollution requirements of the State Environmental Protection Agency, Division of Water Pollution Control, have been satisfied; and state the proposed pipe size, design, construction class and operating pressures; 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) Small wireless facilities. To the extent permitted by applicable law, the following additional application for small wireless facilities shall be as follows:

(a) *Additional information required.* The following information shall also be required on a permit for any small wireless facility:

1. A site-specific structural integrity report for each utility pole and support structures, and for city utility poles and city-controlled support structures, a make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;

2. Specifications and drawings prepared by a structural engineer for each small wireless facility;

3. Location of each proposed small wireless facility to be installed with photographs of the immediate surrounding areas depicting where the small wireless facility would be mounted on its associated structure;

4. The equipment types and model numbers for the antennas and all other equipment associated with the small wireless facility;

5. A proposed schedule for the installation and completion for each small wireless facility;

6. Certification that the collocation proposed complies with the city's requirements for collocation, to the extent permitted by applicable law, including the existence of an enforceable franchise agreement between the city and the utility, undergrounding requirements, design requirements, and all other requirements of this chapter, including § 53.15, to the best of the applicant's knowledge; and

7. All application fees to the extent permitted by law. All application fees to the city shall be non-refundable. If such application requires replacement utility pole(s), such cost of the replacement utility pole(s) will also be included in the application.

(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 city 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 in the amount of \$500, except for small wireless facilities, which shall be the maximum amounts established by applicable law, including, but not limited to, ILCS Ch. 50, Act 840, §§ 1 et seq.

§ 38.6.05 ACTION ON PERMIT APPLICATIONS.

(A) *City review of permit applications.* Completed permit applications, containing all required documentation, shall be examined by the City Manager within a reasonable time

after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules and regulations, the City Manager shall reject such application in writing, stating the reasons therefor. If the City Manager is satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules and regulations, the City Manager 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 City Manager, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.

(B) *Additional city review of applications of telecommunications retailers.*

(1) Pursuant to § 4 of the Telephone Company Act, ILCS Ch. 220, Act 65, § 4, a telecommunications retailer shall notify the city 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 city 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 City Manager 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 City Manager fails to provide such specification of location to the telecommunications retailer within either:

(a) Ten days after service of notice to the city by the telecommunications retailer in the case of work not involving excavation for new construction; or

(b) Twenty-five 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.

(c) If the City Manager cannot meet the timeline outlined in §38.6.05(B)(2)(a) or §38.6.05(B)(2)(b), the City Manager shall notify the applicant in writing of the need for a 10-day extension.

(3) Upon the provision of such specification by the city, where a permit is required for work pursuant to § 38.6.04 of this chapter the telecommunications retailer shall submit to the city 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 division (A) above.

(C) *Additional city 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 (ILCS Ch. 220, Act 5, §§ 21-100 et seq.) shall be deemed granted 45 days after submission to the city, unless otherwise acted upon by the city, provided the holder has complied with applicable city codes, ordinances and regulations.

§ 38.6.06 EFFECT OF PERMIT.

(A) *Authority granted; no property right or other interest created.* A permit from the city authorizes a permittee to undertake only certain activities in accordance with this chapter on city 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) *Pre-construction 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 pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the city with such city representatives in attendance as the city 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 city does not excuse the permittee from complying with other requirements of the city and applicable statutes, laws, ordinances, rules and regulations.

§38.6.07 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 city 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 § 38.6.21 of this chapter. If the city 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.

§ 38.6.08 INSURANCE.

(A) *Required coverages and limits.*

(1) 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 city, and its elected and appointed officers, officials, agents and employees as additional insureds on the policies listed in divisions (A)(1)(a) and (A)(1)(b) below:

(a) 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:

1. Five million dollars for bodily injury or death to each person;
2. Five million dollars for property damage resulting from any one accident; and
3. Five million dollars for all other types of liability.

(b) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of \$1,000,000 for personal injury and property damage for each accident;

(c) Worker's compensation with statutory limits; and

(d) Employer's liability insurance with limits of not less than \$1,000,000 per employee and per accident.

(2) 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 city within ten days following receipt of a written request therefor from the city.

(D) *Maintenance and renewal of required coverages.*

(1) 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 city, by registered mail or certified mail, return receipt requested, of a written notice addressed to the City Manager of such intent to cancel or not to renew."

(2) Within ten days after receipt by the city of the notice, and in no event later than ten days prior to the cancellation, the utility shall obtain and furnish to the city 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 division (A) above. 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 division (A) above, or the requirements of divisions (B), (C) and (D) above. A utility that elects to self-insure shall provide to the city evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under division (A) of this section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act (ILCS Ch. 820, Act 305).

(F) *Effect of insurance and self-insurance on utility's liability.* The legal liability of the utility to the city 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. (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.)

§38.6.09 INDEMNIFICATION.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the city 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's 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 city, its officials, officers, employees, agents or representatives.

§38.6.10 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 city occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the city issued pursuant to this chapter; and
- (3) The payment by permittee of all liens and all damages, claims, costs or expenses that the city may pay or incur by reason of any action or non-performance 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 city 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 city from the permittee pursuant to this chapter or any other applicable law.

(B) *Form.* The permittee shall provide the security fund to the city in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the city or an unconditional letter of credit in a form acceptable to the city. Any surety bond or letter of credit provided pursuant to this division (B) shall, at a minimum:

- (1) Provide that it will not be canceled without prior notice to the city and the permittee;
- (2) Not require the consent of the permittee prior to the collection by the city of any amounts covered by it; and
- (3) Shall provide a location convenient to the city and within the state 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 City Manager , and may also include reasonable, directly related costs that the city 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 city, 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 City Manager 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 division (C) for any single phase.

(D) *Withdrawals.* The city, upon 14-days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this division (D), may withdraw an amount from the security fund, provided that the permittee has not reimbursed the city 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 city for any damages, claims, costs or expenses which the city has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
- (4) Fails to comply with any provision of this chapter that the city 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 city that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in division (C) above.

(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 city, upon written request for the withdrawal to the city, provided that any such withdrawal does not reduce the security fund below the minimum balance required in division (C) above.

(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 city 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 city to the extent necessary to cover any reasonable costs, loss or damage incurred by the city as a result of the revocation; provided that, any amounts in excess of the costs, loss or damage shall be refunded to the permittee.

(H) *Rights not limited.* The rights reserved to the city with respect to the security fund are in addition to all other rights of the city, whether reserved by this chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to the security fund shall affect any other right the city may have. Notwithstanding the foregoing,

the city shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

§38.6.11 PERMIT SUSPENSION AND REVOCATION.

(A) *City right to revoke permit.* The city 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) Non-compliance 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) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) *Notice of revocation or suspension.* The city 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 city, the permittee shall have the following options:

(1) Immediately provide the city with evidence that no cause exists for the revocation or suspension;

(2) Immediately correct, to the satisfaction of the city, the deficiencies stated in the written notice, providing written proof of such correction to the city 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 city providing written proof of such removal to the city within ten days after receipt of the written notice of revocation. The city may, in its discretion, for good cause shown, extend the time periods provided in this division (C).

(D) *Stop-work order.* In addition to the issuance of a notice of revocation or suspension, the city may issue a stop-work order immediately upon discovery of any of the reasons for revocation set forth within division (A) above.

(E) *Failure or refusal of the permittee to comply.*

(1) If the permittee fails to comply with the provisions of division (C) above, the city or its designee may, at the option of the city:

(a) Correct the deficiencies;

(b) Upon not less than 20-days' notice to the permittee, remove the subject facilities or equipment; or

(c) After not less than 30-days' notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the city.

(2) The permittee shall be liable in all events to the city for all costs of removal.

§38.6.12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

(A) *Notification of change.* A utility shall notify the city 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 city'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.

§38.6.13 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;
- (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 City Manager shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the City Manager shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

§38.6.14 TRAFFIC CONTROL.

(A) *Minimum requirements.* The city'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 § 38.20 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 city.

§38.6.15 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 division (A).

(1) No interference with city facilities. No utility facilities shall be placed in any location if the City Manager determines that the proposed location will require the relocation or displacement of any of the city's utility facilities or will otherwise interfere with the operation or maintenance of any of the city'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 the 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.

(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 m) 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 m) 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 m) 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 m) 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 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) 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 city 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. Admin. Code 305);

(b) Poles are located within one foot (0.3 m) 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 city 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 C.F.R. § 192.707 (1989))

(D) *Facilities to be located within particular rights-of-way.* The city 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 city may restrict the location and size of any freestanding facility located within a right-of-way.

(2) The city may require any freestanding facility located within a right-of-way to be screened from view.

(F) *Facilities installed above ground.* Above ground 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 city 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.

§38.6.16 CONSTRUCTION METHODS AND MATERIALS.

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

(1) Distance from City Utilities. Permittees shall place Facilities 24 inches away from City Utilities. Permittees may request a variance from this requirement from the City Manager.

(2) 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 City Manager 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 m) 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 mm).

(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 city to be preserved or protected shall be bored under or around the root system.

(3) Trenching. Trenching for facility installation, repair or maintenance on rights-of-way shall be done in accord with the applicable portions of § 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 pipeline testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the City Manager.

(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 city to be preserved.

(4) 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 City Manager or his or her designee, 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 City.

(5) 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 division (A)(5) is permitted under § 38.21, 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 Engineer.

(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 city.

(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 J.U.L.I.E. locate.

(6) 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 city.

(b) The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground 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 city 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 city. 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.

(7) 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
Communication, cable or video service lines	18 to 24 inches (0.6 m, as determined by city)
Electric lines	30 inches (0.8 m)
Gas or petroleum products	30 inches (0.8 m)
Sanitary sewer, storm sewer or drainage line	Sufficient cover to provide freeze protection
Water 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 city rights-of-way shall be constructed, operated and maintained in conformity with the provisions of 83 Ill. Admin. Code 305 (formerly General Order 160 of the State Commerce Commission) entitled Rules for Construction of Electric Power and Communications 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 guy wires 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 method 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 snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the city. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, 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 city 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 C.F.R. part 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) Waterlines, 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 mm) 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 City Manager. With the approval of the City Manager, 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 Standards Specifications for Road and Bridge Construction, the requirements of the State 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 City Manager. 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 city.

(3) Hazardous materials. The plans submitted by the utility to the city 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 city, 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 City Manager when emergency work is required to restore vital utility services.

(3) Unless otherwise permitted by the city, the hours of building and construction are those set forth in § 33.4.27 of the Mascoutah Code.

(E) *Location of existing facilities.* Any utility proposing to construct facilities in the city shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The city 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 city or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the State Underground Facilities Damage Prevention Act (ILCS Ch. 220, Act 50, §§ 1 et seq.) (1999 Code, § 53.16)

§38.6.17 REMOVAL, RELOCATION OR MODIFICATIONS OF UTILITY FACILITIES.

(A) *Notice.* Within 90 days following written notice from the city, 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 city improvement in or upon, or the operations of the city in or upon, the rights-of-way.

(B) *Removal of unauthorized facilities.* Within 30 days following written notice from the city, 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 city retains the right and privilege to cut or move any facilities located within the rights-of-way of the city, as the city 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 city, the utility shall notify the city within 90 days. Following receipt of such notice the city may direct the utility to remove all or any portion of the facility if the City Manager determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the city does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the city, 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.

§38.6.18 CLEAN-UP 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 city. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the City Manager. 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 City Manager for good cause shown.

§38.6.19 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 city and at the utility's expense.

(B) *Emergency maintenance procedures.* Emergencies may justify non-compliance 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 City Manager 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 City 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 city a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

§38.6.20 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 City Manager 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 City Manager 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 City Manager 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 City Manager or his or her designee 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 City Manager under the provisions of this chapter shall have the right to appeal to the City Council, or such other committee, board or commission as it may designate. The application for appeal shall be submitted in writing to the City Clerk within 30 days after the date of such order, requirement, decision or determination. The City Council shall commence its consideration of the appeal at the Council's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The City Council shall timely decide the appeal.

§ 38.6.21 ENFORCEMENT.

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

§ 38-2-.22 COMPENSATION FOR USE OF THE RIGHTS-OF-WAY.

(A) *Use fees.*

(1) Unless otherwise lawfully established by the City Council through an agreement existing before April 17, 2023, or as required by applicable law, utilities shall pay to the city as monthly compensation for the use of the rights-of-way, other than for incidental uses, a monthly use fee of:

(a) One thousand dollars per month for the first mile of linear facilities, or part thereof, plus \$0.16 per linear foot per month thereafter; and

(b) Two hundred dollars per month for each antenna per annum in the rights-of-way, or such other amounts as established by the City Council.

(2) Linear foot fees shall be due and payable on a monthly basis within 30 calendar days of the close of each month for which the payment applies. If any use fee, or any portion thereof, is not postmarked or delivered on or before the due date, interest thereon shall accrue from the due date until received, at the rate of 1.5% per month, unless such other maximum rate is established by law.

(3) The use fee required in this section shall be paid by the utility as required herein without offset, credit, refund, or deduction except for such credit as is expressly provided for above for SMTT paid.

(4) Limitation. Nothing herein shall require payment of use fees described in this division (A) to the extent such use fees are prohibited by applicable law, including for placement of small wireless facilities as defined in ILCS Ch. 50, Act 840, § 10 to the extent such use fees would be prohibited or otherwise limited by federal or state law.

(B) *Bundled services.* The utility expressly acknowledges and agrees that, to the extent it markets bundled services, including a combination of goods or services that may be subject to this chapter, it will fairly reflect to the city an appropriate and reasonable division of services among the various services offered, based on the actual value of each separate service. Whether or not the utility separates services on a subscriber's bill, it will provide to the city notice of any such allocation sufficient for city verification. Should the utility engage in billing or payment practices that, in the reasonable determination of the city, do not fairly reflect a fair and appropriate allocation, the city may nullify such allocation and require payment applicable to the full receipts.

(C) *Fee statement.* Each use fee payment shall be accompanied by a statement showing the manner in which the use fee was calculated, and in such format as may be required by the city. If any fee statement is determined to understate the fee owed, then such additional amount owed shall be made with a corrected statement, including interest on the amount as provided herein. Within 90 calendar days following the end of the calendar year, each licensee shall submit a statement, certified as true, setting forth its gross revenues, the amount of linear foot and antennae within the facilities, and describing what revenues or receipts (including each type of services were included and excluded in the fee calculations for the calendar year, and describing any adjustments, additional payments or credits) arising from information not known and reflected as of the payment date. Any required additional payment shall be included with the report, any credit shall be deducted from the following annual payment.

(D) *No accord and satisfaction.* No acceptance by the city of any use fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any use fee payment be construed as a release of any claim of the city.

(E) *Maintain records.* Utilities shall at all times maintain complete and accurate books of account, and records of the business, ownership, and operations of the utility with respect to the facilities, in a manner that allows the city to determine whether the utility has properly calculated its use fee in compliance with this chapter. Should the city reasonably determine that the records are not being maintained in such manner, the utility shall correct the manner in which the books and/or records are maintained so that the utility comes into compliance with this section. All financial books and records maintained in accordance with FCC regulations and the regulations of any governmental entity regulating utilities in Illinois, and generally accepted accounting principles, shall be deemed to be acceptable under this section. Such books and records shall be maintained for a period of at least five years, but nothing herein shall limit the years or scope of audit if reasonably related to determining or enforcing compliance.

(F) *Right of inspection.* The city or its designated representatives shall have the right to inspect, examine or audit, during normal business hours and upon seven-calendar-day notice, all documents, records or other information that pertains to the facilities within the ROW and/or the utility's user fee obligations. In addition to access to the records of utility for audits, upon request, the utility shall provide reasonable access to records necessary to verify compliance with the terms of this chapter.

§38.6.23 PENALTY.

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 city 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 city'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 city. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

ORDINANCE NO. 23-__

AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
CHAPTER 38, UTILITIES, ADDING ARTICLE 6, CONSTRUCTION OF UTILITY
FACILITIES IN THE RIGHTS-OF-WAY OF THE CITY OF MASCOUTAH, ILLINOIS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, IN
ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Amending CHAPTER 38, UTILITIES, ADDING ARTICLE VI,
CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY, as attached.

SECTION 2: This ordinance shall be in full force and effect after passage, approval and
publication as required by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St.
Clair, State of Illinois, upon motion by Councilman _____, seconded by Councilman
_____, adopted on the following roll call vote on the 17th day of April, 2023, and deposited
and filed in the Office of the City Clerk in said City on that date.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
John Weyant	___	___	___
Walter Battas	___	___	___
Nick Seibert	___	___	___
Eric Kohrmann	___	___	___
Pat McMahan	___	___	___

APPROVED AND SIGNED by the Mayor of the City of Mascoutah, Illinois, this 17th
day of April, 2023.

ATTEST:

Mayor

City Clerk
(SEAL)

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council

FROM: Rebecca Ahlvin, City Manager

SUBJECT: Bid Award – North Substation Upgrades Commissioning Services

MEETING DATE: April 3, 2023

REQUESTED ACTION:

Council consideration of approval of bid to provide commissioning services for the North Substation Upgrades.

BACKGROUND & STAFF COMMENTS:

BHMG received proposals for commissioning services in conjunction with the North Substation Upgrades project. The commissioning and testing services for the North Substation can be summarized in two major areas, first the apparatus testing, and then functional verification of wiring. The third-party tester will perform required apparatus testing on all major equipment, like completing electrical testing and operation verification of circuit breakers or instrument transformers once they are installed in position. The functional verification includes verifying the field installed control wiring is landed at the correct positions, and individual testing of each electrical circuit to verify the alarm or operation is properly field wired. Functional testing also includes installing BHMG developed relay settings, and then utilizing a test set to verify the settings operate the relay in the desired method. In total the commissioning and testing services provides methodical verification of all installed substation to ensure it works properly as designed prior to energizing. Thus, avoiding finding any errors after the system is placed in operation.

BHMG is recommending approving the bid of \$95,815.00 from Electric Power Systems (EPS).

FUNDING:

This project will be paid for with the Electric Phase II bank loan.

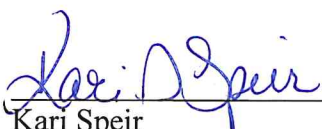
RECOMMENDATION:

Approval of bid to provide commissioning services for the North Substation Upgrades project.


SUGGESTED MOTION:

I move that the Council approve the low bid of \$95,815.00 and award a contract to Electric Power Systems of Maryland Heights, MO to provide commissioning services for the North Substation Upgrades project and authorize appropriate officials to execute the necessary documents.

Prepared By:


Kari Speir
Assistant City Manager

Approved By:


Rebecca Ahlvin
City Manager

Attachment: A – BHMG Recommendation Letter and Bid Tab



BHMg Engineers, Inc.

9735 Landmark Parkway Drive
Suite 110A
St. Louis, MO 63127

Mr. Larry Linck

March 10, 2023

City of Mascoutah
3 West Main Street
Mascoutah, IL 62258

Ref: 1688 – North Substation Upgrades
Commissioning Services Recommendation

Dear Mr. Linck:

The North Substation project requires third party commissioning and testing services. These services were originally included in the installation contract scope of work, however, JF Electric took exception to these services. Therefore, on behalf of the City, BHMg received and opened proposals on February 9, 2023 for the electrical commissioning of the North Substation installation. A total of two (2) proposals were received and have been reviewed for completeness and ability to meet specification requirements. The EPS proposal was updated to include prevailing wages.

<u>Bidder</u>	<u>Total Bid Price</u>	<u>Notes</u>
EPS	\$95,815.00	Clarifications Listed
TRC	\$334,100.00	Clarifications Listed

The proposal from EPS was the apparent low bid for specification, no major exceptions were listed. There is a large spread between the two proposals. BHMg reached out to EPS to confirm their bid is complete and they confirmed. Therefore, it is our recommendation to award the contract to EPS and issue them a PO for the work.

EPS is a local St. Louis firm and has completed many similar projects for other local utilities. The company appears to be in good standing and employs certified and trained craftsmen.

Should you have any questions concerning the proposals or the project, please do not hesitate to contact us.

Sincerely:

BHMg Engineers, Inc.

Jason F. Jackson, P.E.
Consulting Department Manager
Enclosures: Quotes

bhmng.com
636.296.8600

Attachment A
Empowering teams that develop successful relationships for the future.

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council

FROM: Becky Ahlvin, City Manager

SUBJECT: Bid Award – Electric Phase II Project, 138kV Line 2 Construction

MEETING DATE: April 3, 2023

REQUESTED ACTION:

Council consideration of approval of bid and authorization to award a contract to furnish all labor and equipment for the 138kV Line 2 Installation Project.

BACKGROUND & STAFF COMMENTS:

This project consists of constructing a new 138KV transmission line to improve the capacity and reliability of the City's distribution system. This line will originate at Ameren's ring-bus located on IL Route 4 and will connect to the proposed new 138KV North Substation.

All transmission and distribution materials for the 138kV Line 2 Installation have been ordered. Bids for the 138kV Line 2 Installation were opened on Wednesday, March 22, 2023; ten bids were received. Two options were included in the bid. Option 1 included the full second distribution underbuild along the Route 4 corridor. Option 2 included partial second distribution underbuild along a portion of the Route 4 corridor connecting the northern 6 poles. The additional cost to install the full second distribution underbuild along the Route 4 corridor is \$42,420.95. In order to accommodate future growth along the Route 4 corridor and avoid additional costs later to have the second distribution line fully built, proceeding with Option 1 is most desirable and cost effective.

FUNDING:

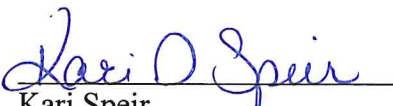
This project will be paid for with the Electric Phase II bank loan.


RECOMMENDATION:

Approval of the low bid for furnishing all labor and equipment for the 138kV Line 2 Installation Project (Option 1) and authorization to award a contract to J.F. Electric.

SUGGESTED MOTION:

I move that the Council approve the low bid for furnishing all labor and equipment for the construction of the 138kV Line 2 Installation Project (Option 1) and award a contract to J.F. Electric in the amount of \$2,415,740.98 and authorize appropriate officials to execute the necessary documents.

Prepared By: 
Kari Speir
Assistant City Manager

Approved By: 
Becky Ahlvin
City Manager

Attachment: A – Bid Tab and Recommendation Letter from BHMG



BHMg Engineers, Inc.

9735 Landmark Parkway Drive
Suite 110A
St. Louis, MO 63127

Mr. Larry Linck

March 29, 2023

City of Mascoutah

Ref: 2110 – 138kV Line 2; Line Construction

Dear Mr. Linck,

The City received competitive bids for constructing the 138kV Line 2 project on March 22, 2023 at 2 p.m. A total of ten (10) quotes were collected and received on time. A summary of bids is shown below:

Contractor	Option 1 Price	Option 2 Price	Clarifications
J.F. Electric	\$2,415,740.98	\$2,373,320.03	Yes
Henkels & McCoy	\$2,449,346.01	\$2,396,900.60	Yes
L.E. Myers	\$2,607,000.00	\$2,557,500.00	Yes
Haugland Energy	\$2,979,743.93	\$2,939,599.87	Yes
Capital Electric	\$3,116,652.00	\$3,005,875.40	No
PAR Electrical	\$3,131,292.78	\$3,060,563.11	Yes
BH Electric	\$3,439,599.72	\$3,411,424.32	No
ArchKey / Sachs	\$3,526,190.84	\$3,440,962.32	Yes
3Phase	\$4,501,725.42	\$4,438,783.54	Yes
Service Electric	\$6,030,166.58	\$5,964,967.54	Yes

The quotes were reviewed based on cost, qualifications, clarifications/exceptions, and ability to complete construction within the given timeframe. Contractors provided bids for two (2) distribution options. Option 1 includes the top circuit of distribution underbuild being fully installed, from Structures 36 – 68. Option 2 includes the top circuit of distribution underbuild being partially installed, from Structures 63 – 68. J.F. Electric provided the best price to complete the work for both options, is qualified to complete the work, had acceptable scope clarifications, and is able to complete construction within the given timeframe.

The additional cost to install the full top circuit of underbuild (Option 1) is \$42,420.95. In order to accommodate anticipated load growth, avoid additional mobilization / demobilization costs, avoid future construction outages, and reduce material coordination, proceeding with Option 1 is the most desirable and efficient solution.

It is the recommendation of BHMg to have Option 1 constructed and to award the line construction contract to J.F. Electric for \$2,415,740.98. Should you have any questions, please do not hesitate to contact us.

Sincerely,

Matt Frederick, P.E.
Project Manager

bhmg.com
636.296.8600

Attachment A

Empowering teams that develop successful relationships for the future.

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council

FROM: Becky Ahlvin – City Manager

SUBJECT: Main Street Closing – Spring Fest with IDOT Resolution

MEETING DATE: April 3, 2023

REQUESTED ACTION:

Council approval of request by Mascoutah Chamber of Commerce to close Main Street (IL 177) on May 19, 2023 for the Spring Fest.

BACKGROUND & STAFF COMMENTS:

Mascoutah Chamber of Commerce will be holding the Spring Fest on Friday, May 19, 2023. They are requesting closing of Main St. (IL 177) from First Street to Market Street from 4 p.m. to 2 a.m. The event will run from 11 a.m. to 11 p.m. The Chamber would like the street to remain closed until 2 a.m. to allow adequate time for clean up.

This request is coming before the Council because it involves a State Highway and requires a Council resolution before we submit it to IDOT.

FUNDING:

None required.

RECOMMENDATION:

Council approval of resolution to close Main Street for the Spring Fest.

SUGGESTED MOTION:

I move that the Council approve and adopt Resolution No. 22-23-___, authorizing the closing of Main Street (IL 177) from First Street to Market Street on May 19, 2023 from 4 p.m. to 2 a.m. for the annual Spring Fest.

Prepared By: Melissa A. Schanz
Melissa A. Schanz
City Clerk

Approved By: Becky Ahlvin
Becky Ahlvin
City Manager

Attachments: A – IDOT Resolution

RESOLUTION NO. 22-23-__

WHEREAS, the City of Mascoutah is sponsoring a Spring Festival in the City of Mascoutah which constitutes a public purpose; and

WHEREAS, this Festival will require the temporary closure of Route 177, a State Highway in the City of Mascoutah from First Street to Market Street; and

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH:

That permission to close off Route 177 from First Street to Market Street as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED, that this closure shall occur during the approximate time period between 4:00 P.M. and 2:00 A.M. on May 19, 2023.

BE IT FURTHER RESOLVED, that traffic from that closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted for the State Highway. (The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic.)* The detour route shall be as follows: traffic traveling west on Rt. 177: north on Rt. 4 to Harnett Street, west on Harnett Street to 6th Street, south on 6th Street to Rt. 177. Traffic traveling east to use same detour. Traffic traveling north on Rt. 4: west on Harnett to 6th Street, south on 6th Street to Rt. 177. Traffic traveling south on Rt. 4 to use the same detour.

*To be used when appropriate.

BE IT FURTHER RESOLVED, that the City of Mascoutah assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall at the expense of the City of Mascoutah be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED, that all debris shall be removed by the City of Mascoutah prior to reopening the State Highway.

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by the City of Mascoutah as may be approved by the Illinois Department of Transportation. These

Attachment A

items shall be provided by the City of Mascoutah.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to the conditions noted above. (NOTE: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

BE IT FURTHER RESOLVED, that to the fullest extent permitted by law, the City of Mascoutah shall be responsible for any and all injuries to persons or damages to property, and shall indemnify and hold harmless the Illinois Department of Transportation, its officers, employees and agents from any and all claims, lawsuits, actions, costs and fees (including reasonable attorneys' fees and expenses) of every nature or description, arising out of, resulting from or connected with the exercise of authority granted by the Department which is the subject of this resolution. The obligation is binding upon the City of Mascoutah regardless of whether or not such claim, damage, loss of expense is caused in part by the act, omissions or negligence of the Department or its officers, employees or agents.

BE IT FURTHER RESOLVED, that the City of Mascoutah shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the minimum amount of \$1,000,000 per person and \$2,000,000 aggregate, which has the Illinois Department of Transportation and its officials, employees, and agents as insureds and which protects them from all claims arising from the requested road closing. A copy of said policy or endorsement will be provided to the Department before the road is closed.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED and APPROVED by the Mayor and City Council of the City of Mascoutah this 3rd day of April, 2023, A.D.

Mayor

ATTEST:

City Clerk
(SEAL)

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council
FROM: Becky Ahlvin – City Manager
SUBJECT: Street Closings – Homecoming Parade

MEETING DATE: April 3, 2023

REQUESTED ACTION:

Council approval and adoption of a resolution for street closings for the annual Homecoming Parade.

BACKGROUND & STAFF COMMENTS:

The Mascoutah Improvement Association will be holding the annual Homecoming Parade on Saturday, August 5th and Sunday, August 6th at 5 p.m. The organization is requesting that Main Street be closed from Lebanon to Sixth Street and Sixth Street from Main Street to Park Drive from 4:00 p.m. to 7:00 p.m. on Saturday and Sunday. This request is coming before the Council because it involves State Highways and requires a Council resolution before we submit it to IDOT.

RECOMMENDATION:

City Manager recommends that the Council approve resolution.

SUGGESTED MOTION:

I move that the Council approve and adopt Resolution No. 22-23-___ to authorize the closing of Main Street from Lebanon Street to Sixth Street and Sixth Street from Main Street to Park Drive, from 4:00 p.m. to 7:00 p.m. on August 5th and from 4:00 p.m. to 7:00 p.m. on August 6th for the annual Mascoutah Homecoming Parade.

Prepared By: Melissa A. Schanz
Melissa A. Schanz
City Clerk

Approved By: Becky Ahlvin
Becky Ahlvin
City Manager

Attachments: A – IDOT Resolution

RESOLUTION NO. 22-23-__

WHEREAS, the City of Mascoutah is sponsoring a Homecoming Parade in the City of Mascoutah which constitutes a public purpose; and

WHEREAS, this Homecoming Parade will require the temporary closure of Route 177, a State Highway in the City of Mascoutah from Lebanon Street to Sixth Street and the closure of Sixth Street from Main Street to Park Drive; and

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH:

That permission to close off Route 177 from Lebanon Street to Sixth Street and Sixth Street from Main Street to Park Drive as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED, that this closure shall occur during the approximate time period between 4:00 P.M. and 7:00 P.M. on August 5, 2023 and between 4:00 P.M. and 7:00 P.M. on August 6, 2023.

BE IT FURTHER RESOLVED, that traffic from that closed portion of highway shall be detoured over routes with an all-weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted for the State Highway. (The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic.)* The detour route shall be as follows: traffic traveling west on Rt. 177: north on Rt. 4 to Fuesser Road, west on Fuesser Road to County Road, south on County Road to Rt. 177. Traffic traveling east on Rt. 177: north on County Rd to Fuesser Road, east on Fuesser Road to Rt. 4. Traffic traveling south on Sixth Street: east on Fuesser Road to Rt. 4 or west on Fuesser Road and south on County Road to Rt. 177. *To be used when appropriate.

BE IT FURTHER RESOLVED, that the City of Mascoutah assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall at the expense of the City of Mascoutah be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED, that all debris shall be removed by the City of Mascoutah prior to reopening the State Highway.

Attachment A

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by the City of Mascoutah as may be approved by the Illinois Department of Transportation. These items shall be provided by the City of Mascoutah.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above. (NOTE: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

BE IT FURTHER RESOLVED, that to the fullest extent permitted by law, the City of Mascoutah shall be responsible for any and all injuries to persons or damages to property, and shall indemnify and hold harmless the Illinois Department of Transportation, its officers, employees and agents from any and all claims, lawsuits, actions, costs and fees (including reasonable attorneys' fees and expenses) of every nature or description, arising out of, resulting from or connected with the exercise of authority granted by the Department which is the subject of this resolution. The obligation is binding upon the City of Mascoutah regardless of whether or not such claim, damage, loss of expense is caused in part by the act, omissions or negligence of the Department or its officers, employees or agents.

BE IT FURTHER RESOLVED, that the City of Mascoutah shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the minimum amount of \$1,000,000 per person and \$2,000,000 aggregate, which has the Illinois Department of Transportation and its officials, employees, and agents as insureds and which protects them from all claims arising from the requested road closing. A copy of said policy or endorsement will be provided to the Department before the road is closed.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED and APPROVED by the Mayor and City Council of the City of Mascoutah this 3rd day of April, 2023, A.D.

Mayor

ATTEST:

City Clerk
(SEAL)

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council

FROM: Becky Ahlvin, City Manager

SUBJECT: **Street Closing – Fall Fest**

MEETING DATE: April 3, 2023

REQUESTED ACTION:

Council approval and adoption of a Resolution to close Main Street (IL 177) on October 21, 2023 for the Fall Fest.

BACKGROUND & STAFF COMMENTS:

Mascoutah Chamber of Commerce will be holding the Fall Fest on Saturday, October 21. They are requesting closing of Main St. (IL 177) from Sixth St. to Route 4 from 7 a.m. to 5 p.m. This request is coming before the Council because it involves a State Highway and requires a Council resolution before we submit it to IDOT.

RECOMMENDATION:

Council approval of resolution to close Main Street for the Fall Fest.

SUGGESTED MOTION:

I move that the Council approve and adoption Resolution No. 22-23-___, approving the closing of Main Street (IL 177) from Sixth St. to Route 4 on October 21, 2023 from 7 a.m. to 5 p.m. for the annual Fall Fest.

Prepared By: Melissa A. Schanz
Melissa A. Schanz
City Clerk

Approved By: Becky Ahlvin
Becky Ahlvin
City Manager

Attachments: A – IDOT Resolution

RESOLUTION NO. 22-23-__

WHEREAS, the City of Mascoutah is sponsoring a Fall Fest in the City of Mascoutah which constitutes a public purpose; and

WHEREAS, this Fall Fest will require the temporary closure of Route 177, a State Highway in the City of Mascoutah from IL Route 4 to Sixth Street; and

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH:

That permission to close off Route 177 from IL Route 4 to Sixth Street as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED, that this closure shall occur during the approximate time period between 7:00 A.M. and 5:00 P.M. on October 21, 2023.

BE IT FURTHER RESOLVED, that traffic from that closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted for the State Highway. (The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic.)* The detour route shall be as follows: traffic traveling west on Rt. 177: north on Rt. 4 to Harnett Street, west on Harnett Street to 6th Street, south on 6th Street to Rt. 177. Traffic traveling east to use same detour. Traffic traveling north on Rt. 4: west on Harnett to 6th Street, south on 6th Street to Rt. 177. Traffic traveling south on Rt. 4 to use the same detour.

*To be used when appropriate.

BE IT FURTHER RESOLVED, that the City of Mascoutah assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall at the expense of the City of Mascoutah be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED, that all debris shall be removed by the City of Mascoutah prior to reopening the State Highway.

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by the City of Mascoutah as may be approved by the Illinois Department of Transportation. These

items shall be provided by the City of Mascoutah.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above. (NOTE: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

BE IT FURTHER RESOLVED, that to the fullest extent permitted by law, the Mascoutah Chamber of Commerce shall be responsible for any and all injuries to persons or damages to property, and shall indemnify and hold harmless the Illinois Department of Transportation, its officers, employees and agents from any and all claims, lawsuits, actions, costs and fees (including reasonable attorneys' fees and expenses) of every nature or description, arising out of, resulting from or connected with the exercise of authority granted by the Department which is the subject of this resolution. The obligation is binding upon the Mascoutah Chamber of Commerce regardless of whether or not such claim, damage, loss of expense is caused in part by the act, omissions or negligence of the Department or its officers, employees or agents.

BE IT FURTHER RESOLVED, that the City of Mascoutah shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the minimum amount of \$1,000,000 per person and \$2,000,000 aggregate, which has the Illinois Department of Transportation and its officials, employees, and agents as insureds and which protects them from all claims arising from the requested road closing. A copy of said policy or endorsement will be provided to the Department before the road is closed.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED and APPROVED by the Mayor and City Council of the City of Mascoutah this 3rd day of April, 2023, A.D.

Mayor

ATTEST:

City Clerk
(SEAL)

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council

FROM: Becky Ahlvin, City Manager

SUBJECT: **Street Closing – Lighted Christmas Parade**

MEETING DATE: April 3, 2023

REQUESTED ACTION:

Council approval and adoption of a resolution to close Main Street (IL 177) on December 1, 2023 for the annual Lighted Christmas Parade.

BACKGROUND & STAFF COMMENTS:

Mascoutah Chamber of Commerce will be holding the Lighted Christmas Parade on Friday, December 1st. They are requesting closing of Main St. (IL 177) from Jefferson Street to Sixth Street from 5 p.m. to 8 p.m. This request is coming before the Council because it involves a State Highway and requires a Council resolution before we submit it to IDOT. Additionally, the Chamber has asked that in the event of a weather cancellation the parade may be held and the street closure approved for December 2, 2023 or December 3, 2023 during the same approximate time period between 5 p.m. to 8 p.m.

RECOMMENDATION:

Council approval of resolution to close Main Street for the Lighted Christmas Parade.

SUGGESTED MOTION:

I move that the Council authorize the closing of Main Street (IL 177) from Jefferson Street to Sixth Street on December 1, 2023 from 5 p.m. to 8 p.m. for the annual Lighted Christmas Parade by adopting Resolution No. 22-23-____.

Prepared By: Melissa A. Schanz
Melissa A. Schanz
City Clerk

Approved By: Becky Ahlvin
Becky Ahlvin
City Manager

Attachment: A – IDOT Resolution

RESOLUTION NO. 22-23-__

WHEREAS, the City of Mascoutah is sponsoring a Lighted Christmas Parade in the City of Mascoutah which constitutes a public purpose; and

WHEREAS, this Christmas Parade will require the temporary closure of Route 177, a State Highway in the City of Mascoutah from IL Route 4 to Sixth Street; and

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH:

That permission to close off Route 177 from IL Route 4 to Sixth Street as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED, that this closure shall occur during the approximate time period between 5:00 P.M. and 8:00 P.M. on December 1, 2023, or in the event of a weather cancellation may be held on December 2, 2023 or December 3, 2023 during the same approximate time period between 5:00 P.M. and 8:00 P.M.

BE IT FURTHER RESOLVED, that traffic from that closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted for the State Highway. (The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic.)* The detour route shall be as follows: traffic traveling west on Rt. 177: north on Rt. 4 to Harnett Street, west on Harnett Street to 6th Street, south on 6th Street to Rt. 177. Traffic traveling east to use same detour. Traffic traveling north on Rt. 4: west on Harnett to 6th Street, south on 6th Street to Rt. 177. Traffic traveling south on Rt. 4 to use the same detour.

*To be used when appropriate.

BE IT FURTHER RESOLVED, that the City of Mascoutah assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall at the expense of the City of Mascoutah be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED, that all debris shall be removed by the City of Mascoutah prior to reopening the State Highway.

Attachment A

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by the City of Mascoutah as may be approved by the Illinois Department of Transportation. These items shall be provided by the City of Mascoutah.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above. (NOTE: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

BE IT FURTHER RESOLVED, that to the fullest extent permitted by law, the City of Mascoutah shall be responsible for any and all injuries to persons or damages to property, and shall indemnify and hold harmless the Illinois Department of Transportation, its officers, employees and agents from any and all claims, lawsuits, actions, costs and fees (including reasonable attorneys' fees and expenses) of every nature or description, arising out of, resulting from or connected with the exercise of authority granted by the Department which is the subject of this resolution. The obligation is binding upon the City of Mascoutah regardless of whether or not such claim, damage, loss of expense is caused in part by the act, omissions or negligence of the Department or its officers, employees or agents.

BE IT FURTHER RESOLVED, that the City of Mascoutah shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the minimum amount of \$1,000,000 per person and \$2,000,000 aggregate, which has the Illinois Department of Transportation and its officials, employees, and agents as insureds and which protects them from all claims arising from the requested road closing. A copy of said policy or endorsement will be provided to the Department before the road is closed.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED and **APPROVED** by the Mayor and City Council of the City of Mascoutah this 3rd day of April, 2023, A.D.

Mayor

ATTEST:

City Clerk
(SEAL)



City of Mascoutah

TO: Honorable Mayor and City Council
FROM: Becky Ahlvin, City Manager *BHA*
DATE: APR. 3, 2023
SUBJECT: Tap Fees Discussion

At the March 6, 2023, City Council meeting, a citizen made a request for the City Council to consider changing the City's code regarding Water and Sewer Tap Fees. Mascoutah's tap fees are as follows:

SECTION 2: TAP FEES	
	<u>Fees</u>
Water tap on fee	
<i>Residential</i>	\$1,600 per unit
<i>Non-Residential</i>	\$1,150 Base + formula of costs
<i>Outside City</i>	Existing * 2.0
Sewer tap on fee	
<i>Residential</i>	\$1,600 per unit
<i>Non-Residential</i>	\$1,200 Base + formula of costs
<i>Outside City</i>	Existing * 2.0
Electric tap on fee	
<i>Residential</i>	\$425 per unit
<i>Non-Residential</i>	\$1,500 Base + formula of costs

Utility tap fees cover the cost incurred by running the utility lines, installing meter pits, the City-provided meters, and City employees labor.

Per Sec. 38-2-3, the occupant or the person receiving the services of the utilities are responsible for the payment for those utilities. Should the tenants fail to pay their utility bill, the property owner is NOT responsible for those charges, per Sec. 38-2-1(i).

Staff conducted a brief survey of surrounding municipalities. Swansea, Sparta, Litchfield, Troy, Highland, Maryville, and Collinsville require tap fees and meters per dwelling unit. O'Fallon allows one water meter for a building but because of that, the meter is required to be larger and the tap fee would need to increase to cover the cost of the larger meter.

For reference, below is a table comparing Mascoutah and O'Fallon water and sewer tap fees.

Units	Mascoutah			O'Fallon			Difference
	Water Tap (\$1,600/unit)	Sewer Tap (\$1,600/unit)	Total W/S Tap Fees	Water Tap for 2" meter	Sewer Tap (\$3000/unit)	Total W/S Tap Fees	
6	\$9,600	\$9,600	\$19,200	\$5,000	\$18,000	\$23,000	\$3,800
7	\$11,200	\$11,200	\$22,400	\$5,000	\$21,000	\$26,000	\$3,600
8	\$12,800	\$12,800	\$25,600	\$5,000	\$24,000	\$29,000	\$3,400

For reference, below is a table comparing Mascoutah's tap fees to surrounding municipalities.

	Water Tap Fee	Sewer Tap Fee
Mascoutah	\$1,600/unit	\$1,600/unit
Collinsville	\$2,500/unit	\$2,00-3,500/unit
Highland	Depends on meter size	\$2,475/unit
Litchfield	\$150/unit	\$150/unit
Marysville	\$3,300-\$5,200/unit	\$2,500-3,500 plus \$200 per occupant over 3.5 occupants
Sparta	\$800-2,000/unit	\$100/unit
Troy	\$4,650-5,150/unit	\$5,150-6,650/unit

Staff is seeking direction from Council on if they wish to pursue any changes to the Water and Sewer Tap Fees.