



CITY OF WOOD DALE

PUBLIC NOTICE

IN ACCORDANCE WITH THE STATUTES OF THE STATE OF ILLINOIS AND THE ORDINANCES OF THE CITY OF WOOD DALE, NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL WILL CONTINUE ITS REGULAR STANDING COMMITTEE MEETINGS AT 7:30 P.M. ON THURSDAY, JULY 11, 2019 IN THE COUNCIL CHAMBERS OF THE CITY HALL, 404 NORTH WOOD DALE ROAD, WOOD DALE, ILLINOIS, FOR THE PURPOSES SET FORTH IN THE FOLLOWING AGENDAS:

STANDING COMMITTEES OF THE CITY OF WOOD DALE, ILLINOIS JULY 11, 2019

I. PLANNING, ZONING & BUILDING COMMITTEE

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of Meeting
 - i. June 13, 2019 Planning, Zoning & Building Committee Minutes
- D. Report and Recommendation
 - i. Approval of the Lot Consolidation for Case No. 2019-CDC-02, Lot Consolidation for 131-133 Center Street and 140 Florina Court
- E. Items to be Considered at Future Meetings
- F. Adjournment

II. PUBLIC HEALTH, SAFETY, JUDICIARY & ETHICS COMMITTEE

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of Meeting
 - i. June 13, 2019 Public Health, Safety, Judiciary & Ethics Committee Minutes
- D. Report and Recommendation
 - i. Approval of the Replacement of Squad #402, #406 & #407 in an Amount Not to Exceed \$106,026

- ii. A Resolution Authorizing an Intergovernmental Agreement between the City of Wood Dale and Fenton High School District #100
 - iii. An Ordinance Amending the City of Wood Dale Municipal Code Chapter 4 Article 3, regarding the Sales, Possession and Restrictions of Tobacco Products as Defined by the Illinois Compiled Statutes
 - iv. An Ordinance amending the City of Wood Dale Municipal Code Chapter 14, to Enact the Offenses of Theft and Criminal Damage to Property
- E. Items to be Considered at Future Meetings
- F. Adjournment

III. PUBLIC WORKS COMMITTEE

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of Meeting
 - i. June 13, 2019 Public Works Committee Minutes
- D. Report and Recommendation
 - i. Approval of Amendments to Article VIII of Unified Development Ordinance Reflecting Changes to DuPage County Stormwater Management Ordinance Including Adoption of New Flood Insurance Study and Flood Insurance Rate Maps
 - ii. Approval of an Agreement between the City of Wood Dale and Baxter & Woodman, Inc. for the 2019 Street Sufficiency Study in an Amount Not to Exceed \$29,810
 - iii. Approval of an Agreement between the City of Wood Dale and John Neri Construction Co., Inc. for the FY 2020 Hiawatha Sewer Repair in a Not to Exceed Amount of \$23,800
 - iv. Approval of Revisions to Rear Yard Drainage Assistance Program Including Extension of Program to Not-For-Profit Entities
 - v. Approval of Final Project Costs for Contract I-14-4638 – Illinois Route 390 ITS Project and Recommend Action on Land Acquisition Credits Owed to the City of Wood Dale by Illinois State Toll Highway Authority
- E. Items to be Considered at Future Meetings
- F. Adjournment

POSTED IN CITY HALL ON JULY 5, 2019 AT 4:00 PM



PLANNING, ZONING & BUILDING
COMMITTEE MINUTES

Committee Date: June 13, 2019
Present: Ald. Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley & Woods
Absent: Ald. R. Wesley
Also Present: Treasurer Porch, City Manager Mermuys, Police Chief Vesta, E. Cage, B. Garelli, A. Lange
Meeting Convened at: 7:30 p.m.

APPROVAL OF THE MINUTES:

The minutes of the April 25, 2019 meeting were approved as presented.

REPORT & RECOMMENDATION:

APPROVAL TO DRAFT ORDINANCE AND RESOLUTION AUTHORIZING ANNEXATION, SPECIAL USE, PLANNED UNIT DEVELOPMENT, FINAL PLAT OF SUBDIVISION & MAJOR SITE REVIEW FOR REDEVELOPMENT OF WASHINGTON ST LOCATED AT 640 N CENTRAL AVE (PINS 03-10-106-014, -006, -007, -008, -009, -010, -011, -012, -013, -015 And {Pins 03-10-107-001, -002, -003, -004, -005, -006, -007, -008, -009, 010}) TO BE HEREBY ANNEXED INTO CITY OF WOOD DALE, IL

DISCUSSION:

Mr. Cage provided a status of where staff is with application to date. This is a major development and area that City Council requested staff look into for voluntary annexation. This is 9.5 acres of annexation for rezoning, special use, PUD, and final plot of subdivision. This is currently unincorporated DuPage County at 640 N Central. A Public Hearing was held at the May 20th CDC Meeting. There are some residences and vacant lots there now, and it will become one large lot for light industrial use. Mr. Cage then reviewed the proposed site plan, pointing out that the application was consistent with the UDO and Comprehensive Plan.

Kevin Mohoney of Transwestern was present to address any concerns from Committee members. His company has worked to come to an agreement with all the homeowners and closed on all properties at the end of February. They are proposing voluntary annexation of this property into Wood Dale for the City's benefit. They plan to build a 159,000 square foot industrial facility designed to accommodate multiple tenants. The focus of the building is high image storefront with great curb appeal. Subject to City Council approval, they want to demo the existing residential next month for a target completion by January of 2020.

They are also working to provide access for the Fire and Police Departments to conduct training in the homes prior to demolition. They want to be mindful of impact it has on neighboring properties and feel it will have very limited affect.

Ald. Jakab asked if they already have any potential tenants. Mr. Mohoney stated they have not yet marketed this building, as they are awaiting City Council's approval. Ald. R. Wesley inquired about the amount of dock doors and truck traffic. Mr. Mohoney stated there will be 38 and that traffic will be directed to only go northbound on Central. Ald. R. Wesley then asked about parking and was advised the site meets the UDO requirements. Ald. Catalano asked if there is enough access for emergency vehicles around the building. Mr. Cage reported the plans were approved by the Fire Department.

VOTE:

Ald. Messina made a motion, seconded by Ald. Jakab, to approve drafting an Ordinance and Resolution Authorizing Annexation, Special Use, Planned Unit Development, Final Plat of Subdivision and Major Site Plan Review for the Redevelopment of the Washington Street Located At 640 N. Central Avenue (Pins 03-10-106-014, -006, -007, -008, -009, -010, -011, -012, -013, -015 And {Pins 03-10-107-001, -002, -003, -004, -005, -006, -007, -008, -009, 010) to be hereby annexed into the City of Wood Dale. A roll call vote was taken, with the following results:

Ayes: Ald. Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley & Woods
Nays: None
Abstained: Ald. R. Wesley
Motion: Carried

REPORT & RECOMMENDATION

APPROVAL TO DRAFT AN ORDINANCE AUTHORIZING A SPECIAL USE, PLANNED UNIT DEVELOPMENT AND MAJOR SITE REVIEW FOR OAKBROOK ELEMENTARY SCHOOL PARKING LOT EXPANSION AT 170 S WOOD DALE RD

DISCUSSION:

None

VOTE:

Ald. Messina made a motion, seconded by Ald. Susmarski, to approve drafting an Ordinance Authorizing a Special Use, Planned Unit Development and Major Site Plan Review for the Oakbrook Elementary School Parking Lot Expansion, 170 S Wood Dale Road. A roll call vote was taken, with the following results:



Ayes: Ald. Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley, R. Wesley & Woods
Nays: None
Abstained: None
Motion: Carried

REPORT & RECOMMENDATION:

APPROVAL TO DRAFT AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT AND MAJOR SITE REVIEW FOR ALLSTATE INSURANCE AGENCY AT 130 E IRVING PK RD

DISCUSSION:

None

VOTE:

Ald. Messina made a motion, seconded by Ald. Sorrentino, to approve drafting an Ordinance Authorizing a Special Use Permit and Major Site Plan Review for the Allstate Insurance Agency located at 130 E. Irving Park Road. A roll call vote was taken, with the following results:

Ayes: Ald. Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley, R. Wesley & Woods
Nays: None
Abstained: None
Motion: Carried

ITEMS TO BE CONSIDERED AT FUTURE MEETINGS:

None

ADJOURNMENT:

The meeting adjourned at 8:11 p.m.

Minutes taken by Eileen Schultz



REQUEST FOR COMMITTEE ACTION

Referred to Committee: July 11, 2019
Subject: 131-133 Center Street and 140 Florina Court
Staff Contact: Ed Cage, Community Development Director
Department: Community Development Department

TITLE: Approval of the Lot Consolidation for Case No. 2019-CDC-02, Lot Consolidation for 131-133 Center Street and 140 Florina Court

RECOMMENDATION:

Staff concurs with the Community Development Commission's unanimous recommendation to deny the requested Lot Consolidation (4 to 0).

BACKGROUND:

At the August 15, 2016 Community Development Commission (CDC) meeting, a public hearing was conducted for the requested Lot Consolidation. Testimony and evidence was provided by the applicant. Public comments relative to this request were made with the concerns being:

1. Maintenance of the current & future property;
2. 6-Foot solid fence;
3. Noise;
4. Lighting; and
5. Thru-lot (back yard adjacent to front yard).

ANALYSIS:

The subject property, commonly known as 131-133 Center Street and 140 Florina Court (PIN 03-09-412-019, 03-09-412-011, 03-09-412-031), have one active residence (140 Florina Court, one vacant residence and one vacant lot. All three of the properties are zoned R-2, Large Lot Single-Family Residential. The applicant has petitioned for a Lot Consolidation of all three lots, into one recorded lot for residential use, to accommodate the construction of accessory structures including an in ground pool, shed and basketball court at 131-133 Center Street and 140 Florina Court.

The concerns identified by adjacent property owners have to do with the proposed 6-foot solid fence that will be located alongside the front yard of the neighboring properties, and that this would change the character of the neighborhood. The proposed lighting of the basketball court was a major concern to neighboring property owners, as this would lead to noise and light nuisances. The maintenance of what is essentially a rear yard was an issue, the property was not currently being maintained well, and this raises maintenance concerns for the future. A number of comments also focused on allowing a thru-lot at this location, this would effectively allow a rear yard to conflict with existing front yards and would look strange for one or two lots, mid-block on Center Street.

The CDC found that the proposed Lot Consolidation is not consistent with the UDO or Comprehensive Plan. As such, the CDC recommended denial by a vote of 4-0.

DOCUMENTS ATTACHED

- ✓ CDC Staff Memorandum Dated June 17, 2019 with attachments
- ✓ Draft CDC Minutes from the June 17, 2019 meeting

CITY OF WOOD DALE

Community Development



MEMO

DATE: June 17, 2019

TO: Community Development Commission

FROM: Gosia Pociecha, AICP, Planner

SUBJECT: Case No. 2019-CDC-02, Lot Consolidation for 131-133 Center Street and 140 Florina Court

REQUEST

An application has been filed by Steven and Samira Rodriguez for a Lot Consolidation of three lots into one recorded lot for residential use to accommodate construction of accessory structures including an in ground pool, shed and basketball court at 131-133 Center Street and 140 Florina Court.

PROPERTY INFORMATION

Address: 131-133 Center Street and 140 Florina Court
PINs: 03-09-412-019, 03-09-412-011, 03-09-412-031
Property Size: 0.8882 Acres when combined (approx. 38,285 square feet)
Existing Land Use: Single Family Residential
Future Land Use: Single Family Residential
Existing Zoning: R-2 (Large Lot Single Family)

Surrounding Zoning & Land Use

North: R-2 (Large Lot Single Family), Single-Family Residential
South: R-2 (Large Lot Single Family), Single-Family Residential and C-1 (Neighborhood Commercial), Civic Institutional
East: R-2 (Large Lot Single Family), Single-Family Residential
West: R-2 (Large Lot Single Family), Single-Family Residential

ANALYSIS

Submittals

The analysis and recommendation provided within this memo are based on the following documents, which are on file in the Community Development Department and attached as noted:

- Public Hearing Application

- Petitioner Narrative (Exhibit A)
- Plat of Survey for 140 Florina Ct (Exhibit B)
- Plat of Survey for 131-133 Center St (Exhibit C)
- Existing Site Plan (S100) (Exhibit D)
- Existing Conditions Photos (Exhibit E)
- Proposed Site Plan (S101) (Exhibit F)
- Plat of Consolidation (Exhibit G)

Project Description

The subject properties are located at 131-133 Center Street and 140 Florina Court (see image below) and are zoned R-2, Large Lot Single Family. The existing properties are improved as listed in the table below (also see Exhibit B, C, D and E).

Address	Improvement
140 Florina Ct	Two-story brick residence
131 Center St	One-story frame residence
133 Center St	Vacant



Subject Site Location



View 131-133 Center Street looking north

The applicants have petitioned for a Lot Consolidation of three lots into one recorded lot for residential use (see Exhibit G). The proposal calls for the following improvements (also see Exhibit F):

- demolition of the existing single-family residence at 131 Center Street; and
- expansion of existing patio;
- pergola over the patio;
- a pool;
- a shed;
- a basketball court; and
- relocation of the existing playground area.

The applicants are the owners of all three lots. They reside at 140 Florina Court and purchased 131-133 Center Street on November 8, 2017. For clarification, the existing structure at 131 Center Street is vacant, but the City has no records indicating that it has been deemed condemned. In 2018 a violation notice was issued for tall grass/weeds and uninhabitable structure as its exterior was in disrepair due to lack of maintenance and it is not served by city water. Invoice for the grass cutting was reconciled by property owners in December of 2018. The property owners have indicated a desire to demolish the structure, therefore no water service has been installed.

Compliance with the Comprehensive Plan

The subject property is designated as Single Family Residential in the Future Land Use Map of the Comprehensive Plan. This Land Use Category intends to maintain the established pattern of single family development with similar home and lot sizes on a grid street network.

The Comprehensive Plan recognizes that due to the lack of vacant land and the fact that 65% of Wood Dale's homes were built before 1980, the future residential development will mostly consist of infill sites, where tear-downs of existing homes and construction of new

ones on those sites may be seen. The current market is seeing more demand for larger homes on smaller lots.

Further, the proposed lot consolidation does not support the following goals of the Comprehensive Plan:

- Goal 2, Objective 4 intends to build community capacity by supporting improvement to existing housing stock and investment in residential neighborhoods recognizing that the most probable future redevelopment of residential areas would be infill construction.
- Goal 3, Objective 2 intends to embrace small-town charm by enhancing the appearance and curb appeal of residential areas by identifying opportunities in residential areas to improve pedestrian safety and comfort.

While lot consolidation and related standards are not specifically addressed in the Comprehensive Plan, the proposed lot consolidation and improvements do not align with the future residential development pattern which calls for infill construction of larger homes on smaller lots while maintaining the grid street network. The proposed lot consolidation creates a double frontage lot, where the rear yard of the subject property would be facing Center Street. This would not enhance the curb appeal or improve the pedestrian comfort as it would create approximately 177' of fenced in backyard among single-family residences facing Center Street.

Compliance with the Unified Development Ordinance

Allowable Uses

Upon consolidation, the new lot will remain designated as R-2, Large Lot Single Family. This district is established to provide and maintain area for development of low density single-family residences on generally uniform lots. This district is intended for the exclusive development of larger lot detached single-family residences served by municipal water and sewer systems. While the general residential use of the consolidated lot would meet the intent of low density single-family residential use, the created lot would not be uniform.

Lot Development Standards

The table below outlines the lot developments standards for each of the lot, along with the proposed consolidated lot.

Development Standard	Type 2 Building Standards	131 Center St	133 Center St	140 Florina Ct	Consolidated Lot
Lot width	80 ft minimum	77 ft	100 ft	85.42 ft	85.42 ft
Lot depth	125 ft minimum	142 ft	142 ft	158.99 ft	300.99 ft
Lot area	10,000 sf	10,934 sf	14,200 sf	13,151 sf	38,285 sf (0.88 acres)
Lot coverage	40% maximum	2,492 sf (23%)	0 sf	4,366 sf (33%)	9,493 sf (25%)
Front built-to line	25 ft	25 ft	25 ft	25 ft	25 ft

Development Standard	Type 2 Building Standards	131 Center St	133 Center St	140 Florina Ct	Consolidated Lot
Side setback	10 ft or 10% of lot width	7.7 ft	10 ft	8 ft	8 ft
Rear setback	30 ft	30 ft	30 ft	30 ft	30 ft along Center Street
Building coverage	30% maximum	1,900 sf (17%)	0 sf	2,720 sf (21%)	2,832 (7%)

Consolidation of the subject three lots into one lot of record would produce a double frontage lot, defined by the Unified Development Ordinance (UDO) as a lot which has its “rear and front yard bordering on a street”. The “front yard” is the open space on a lot between the front lot line and the front wall of the principal structure, while the “rear yard” would be located between the rear wall of the principal structure and the rear lot line. Upon consolidation of the subject lots, the “rear yard” would be the open space behind the rear wall of the structure at 140 Florina Ct, hence establishing a 30’ rear setback along Center St. However, that would be in conflict with the 25’ established front setback for the existing properties along Center St.

Generally, lot consolidation that would produce irregularly shaped and double frontage lots is not considered good planning practice. Per Section 17.401 of the UDO, one of the purposes of the development review procedures is to prevent poorly designed sites and to support improvements that will promote safety and convenience for the public and will preserve the value of surrounding property. Irregular, double frontage lots tend to have a negative effect on adjoining properties, especially when located in a residential subdivision which contains mostly similarly sized lots and homes. Double frontage lots may also create potential maintenance problems, especially behind the rear fence line which is also facing a street.

Table below outlines few of the “purpose and intent” items listed under the general provisions of the UDO in Sec.17.102 along with comments related to the proposed lot consolidation:

Purpose and Intent	Comment
To protect the character and stability of the residential, business, and manufacturing areas within the City and to promote the orderly and beneficial development of such areas;	The proposed lot consolidation would result in an irregular, double frontage lot that would affect the character of existing residential neighborhood and would not promote orderly development.
To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;	The proposed lot consolidation would result in an irregular, double frontage lot that would be incompatible with the character of the existing residential neighborhood.
To enhance aesthetic values within the city;	The proposed lot consolidation would not enhance the aesthetic values of the city as the proposal calls for installation of a privacy fence along residential street frontage.
To ensure that land is subdivided only when subdivision is necessary to provide for uses of land which market demand exists and which are in the public interest;	The proposed lot consolidation would produce very large irregular residential lot. Per the Comprehensive Plan, the current market is seeing more demand for larger homes on smaller lots.
To strive to remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low grade subdivision	The proposed lot consolidation would produce an irregular, double frontage lot which would be generally considered low grade subdivision of land.
To preserve the character and quality of city neighborhoods by maintaining the integrity of those areas which have a discernible character and are harmonious in design;	The proposed lot consolidation would result in an irregular, double frontage lot that would be incompatible with the character of the existing residential neighborhood which contains mostly similarly sized lots and homes.

Accessory structures

The proposed site plan for development shows the shed/pool equipment located within the public utilities & drainage easement. Accessory structures may not encroach into the easement, except with the written permission of the City and all utility companies having rights to use the easement. Alternatively, the location of the shed will need to be modified during permitting process.

Lighting

The original proposal for the redevelopment of the lots included site lighting. Basketball court lighting has been removed from the proposal during the revision process, but in case any site lighting is to be added at a later date, it would need to meet the requirements per Sec. 17.609 of the Municipal Code.

Engineering / Stormwater Management

The proposed improvements add approximately 5,127 sf of new impervious area, therefore DuPage County stormwater certification and post construction best management practices (PCBMP) storage volume designed by an engineer will be required. The applicants are proposing to install a rain garden along the south edge of the lots along Center Street as their storm water management system. If approved, a note will need to be recorded on the title to the property to ensure that the proposed stormwater system is maintained.

The full engineering review for the proposal shall be conducted during permitting process, however the City engineer noted that the runoff from all proposed impervious surface shall be conveyed to the proposed volume control (rain garden) area, via grading or underground piping, prior to it discharging off-site per section 17.805.C.12 of the City Code. The volume of storage provided shall be in accordance with the aforementioned City Code section.

There are two existing curb cuts along Center Street. No specific plans related to the curb cuts have been provided, but it would need to be addressed if the project moves to permitting.

Neighborhood Comment

Notice was provided to adjacent property owners in accordance with Section 17.401.D of the UDO. No comments have been received as of June 11, 2019.

Findings of Fact

The Community Development Commission may recommend denial of a Lot Consolidation **if** it makes finding of the following standards. The standards are as follows (*staff comments italicized*):

Subdivision Plat Standards

1. The design and layout of the subdivision does not conform to the provisions of this chapter;

The design and layout of the subdivision would create a double frontage lot which would be incompatible with existing neighborhood. It would have a negative effect on the character of residential street and curb appeal. The proposal creates a non-uniform, poorly designed site, which does not align with a number of items listed as the purpose and intent of the UDO. The standard is met.

2. The applicant has not made adequate provision to install improvements required by the community development commission or city council under authority of this chapter;

This standard is not applicable since public improvements have previously been installed.

3. The final subdivision or development plan fails to comply with an approved preliminary plat/plan;

This standard is not applicable as this petition is concurrently approving the concept, preliminary, and final plat of subdivision.

4. The plat does not conform with the comprehensive plan, the official map, this chapter, city ordinances, or established planning and development policies of the city;

While the plat conforms with the zoning map, it does not conform with the Comprehensive Plan as it does not align with the future residential development pattern which calls for infill construction of larger homes on smaller lots while maintaining the grid street network. The proposed redevelopment also affects the curb appeal and pedestrian comfort by creating a double frontage lot, where the rear yard of the subject property would be facing Center Street. The standard is met.

RECOMMENDATION

The Community Development Department finds that the request for a Lot Consolidation of three lots into one recorded lot for residential use to accommodate construction of accessory structures is not compatible with surrounding neighborhood, does not meet the requirements in the Unified Development Ordinance and is not consistent with the City's Comprehensive Plan. Based on the above considerations, staff recommends that the Community Development Commission make the following motion recommending denial of this petition:

Based on the submitted petition and the testimony presented, the proposed Lot Consolidation does meet the standards for denial, and is not consistent with the UDO and Comprehensive Plan; and, therefore, I move that the Community Development Commission adopt the findings of fact included within the staff memo as the findings of the Community Development Commission, and recommend to the City Council denial of Case No. 2019-CDC-02.

(Vote Yes to deny the lot consolidation; vote No to approve)

COMMUNITY DEVELOPMENT COMMISSION MINUTES

Meeting Date: June 17, 2019

Present: Ron Damasco, George Vant, Richard Petersen, Brad Karich

Absent: Rick St. Marie

Also Present: Gosia Pociecha, Ed Cage, Ald. Eugene Wesley, Attorney Sean Conway, Pat Sampanetti, Jeanne Gratzl, Jesse Krebasch, Pat Krebsch, Karen Krebasch, Mirna Rodriguez, Steven Rodriguez, Jerry Saviano, Carl Parmenian, Ben Birkey, Michelle Simoni

Meeting Convened at: 7:00 P.M.

CALL TO ORDER:

Mr. Karich called the meeting to order. Roll call was taken and a quorum was present.

APPROVAL OF THE MINUTES:

Mr. Shimanek made a motion to approve the minutes of the April 15, 2019 meeting; the motion was seconded by Mr. Woods and unanimously approved as presented via voice vote.

NOTE: Mr. Shimanek and Mr. Woods recused themselves from the meeting prior to the Public Hearing.

PUBLIC HEARINGS:

CASE NO. 2019-CDC-02

OVERVIEW:

Applicants and owners of the three lots which are the subject of this case, Steven and Samira Rodriguez, are requesting a lot consolidation of the three lots into one recorded lot for residential use to accommodate construction of accessory structures including a pool, shed and basketball court. The subject properties are located at 131-133 Center Street and 140 Florina Court. The Rodriguez's currently reside at 140 Florina Court.

DISCUSSION:

Ms. Pociecha provided an overview of the proposal followed by staff analysis. She described the applicant's request to demolish the existing vacant single-family residence at 131 Center and to consolidate that lot along with vacant lot 133 Center and 140 Florina Court into one recorded lot for residential use. In addition to demolition of the 131 Center building, petitioner wishes to expand the existing patio at 140 Florina Court, construct a pergola over the patio, install a pool, shed and basketball court and relocate the existing playground area. Ms. Pociecha explained that the proposed lot consolidation would create a double frontage lot where the rear yard of the subject property would be facing Center Street; this would not enhance the curb appeal or improve pedestrian comfort as it would create approximately 177' of solid privacy fencing in the backyard among single-family residences facing Center Street, two issues which are in conflict with stated goals of the Comprehensive Plan. In addition, the lot created by this consolidation would not be uniform or align with numerous items listed under the Purpose and Intent of the Unified Development Ordinance. Mr. Cage stated that staff is recommending denial of the lot consolidation because it is not consistent with the Comprehensive Plan or UDO, but also because it would create a zoning lot not typically found in the R-2 district. Mr. Ben Birkey, representing the petitioners, provided a brief overview of the petition following staff's presentation stating that the proposal would provide improvements to the site and condemned property at 131 Center. Mr. Cage clarified that the water is turned off, therefore the property is inhabitable, but it was never condemned. Several members of the audience spoke to this issue as follows: Mr. Carl Parmanian of 122 Florian Court reminded Commissioners of the fact that a swale exists in the rear yards of both Center Street and Florina Court running west from Wood Dale Road to a detention pond, a swale which must be retained in order to maintain the flow of water and to prevent flooding. In addition, there currently exists an approximately 4' difference in elevations between Florina Court and Center Street a condition which must be considered. Mr. Jerry Saviano of 128 Florina Court voiced concerns regarding the proposed basketball court and the type of activities which could occur with its use. In addition, he questioned the possibility of planting trees instead of fencing. Ms. Pociecha explained that, per the Municipal Code, fencing is required with construction of a pool; however, trees could also be added. Ms. Karen Krebash and Mr. Krebash of 158 Center Street, as long time residents of Center Street, stated their objection to this proposal, viewing it as an injustice to residents of that street. Concerns regarding potential flooding were also raised by Ms. Jeanne Gratzl of 146 Central. In response to her question regarding engineering review of this project, Ms. Pociecha stated that an initial engineering review by the City's Engineer has been conducted; a full engineering review would take place as part of the permit process should the project go forth. Mr. Rodriguez and Ms. Michelle Simoni, petitioner's architect, addressed the issues raised during the testimonies by stating that prior to his purchase of the two lots on Center Street, he consulted with and was assured by former Building Department staff that this consolidation could go forward; only then did he proceed with

the purchase and proposal. Mr. Cage confirmed that the applicant consulted with previous City employee and that it was explained that a lot consolidation process would need to be followed which is the reason for this public hearing. Mr. Vant questioned the propriety of allowing fencing along Center Street as proposed. In response to a question by Mr. Karich, there have not been any requests for a through lot such as is being requested; only typical requests regarding corner lots and fencing allowed in such cases. Also, per Ms. Pociеча, petitioner has changed the basketball court lighting plans so that adjacent properties would not be adversely affected. As a separate issue, Mr. Cage stated that the City has been in contact with Mr. Rodriguez repeatedly over the past year regarding the conditions which have existed at the vacant residence at 131 Center Street; specifically the lack of maintenance and general disrepair.

VOTE:

Mr. Vant made a motion that, based on the submitted petition and the testimony presented, the proposed Lot Consolidation meets the standards for denial, is not consistent with the UDO and Comprehensive Plan for the reasons set forth in the staff memo; therefore he moves that the Community Development Commission adopt the findings of fact included within the staff memo dated June 17, 2019 as the findings of the Community Development Commission and recommend to the City Council DENIAL of the requested lot consolidation in Case No. 2019-CDC-02. Motion was seconded by Mr. Petersen. A roll call vote was taken with the following results:

Ayes: Mr. Damasco, Mr. Karich, Mr. Petersen, Mr. Vant

Nays: None

Abstain: None

Motion carries

The Public Hearing was concluded at 7:50 P.M.

STAFF LIAISON REPORT:

Mr. Cage stated that a proposed Text Amendment and other matters will be brought before the CDC in the near future.

ADJOURNMENT:

Mr. Vant motioned to adjourn the meeting; the motion was seconded by Mr. Petersen. The motion was unanimously approved via voice vote. The meeting adjourned at 8:00 P.M.

Minutes taken by Marilyn Chiappetta



PUBLIC HEALTH, SAFETY, JUDICIARY & ETHICS
COMMITTEE MINUTES

Committee Date: June 13, 2019
Present: Ald. Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley,
R. Wesley & Woods
Absent: None
Also Present: Treasurer Porch, City Manager Mermuys, Police Chief Vesta,
B. Garelli, A. Lange, E. Cage
Meeting Convened at: 8:11 p.m.

APPROVAL OF THE MINUTES:

The minutes of the April 11, 2019 meeting were approved as presented.

REPORT & RECOMMENDATION:

APPROVAL OF RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL POLICE SERVICE ASSISTANCE AGREEMENT TO JOIN DUPAGE METROPOLITAN EMERGENCY RESPONSE AND INVESTIGATION TEAM (MERIT)

DISCUSSION:

Chief Vesta explained the department is currently part of several multi-jurisdictional task forces. This Agreement is to combine and merge all those under one organizational structure. A mutual aid response team will encompass SWAT, crisis negotiations, K-9 assistance, major crash reconstruction, major incidents, planned events response, crime scene investigations for major crimes and computer forensics. The Police Department currently pays \$4,000 a year in dues for these services and that will remain the same. The new team will be run by an Executive Board with team leaders who are experts in each of the areas.

VOTE:

Ald. Sorrentino made a motion, seconded by Ald. Jakab, to approve a Resolution Authorizing the Execution of an Intergovernmental Police Service Assistance Agreement to Join the DuPage Metropolitan Emergency Response and Investigation Team (MERIT). A roll call vote was taken, with the following results:

Ayes: Ald. Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley, R. Wesley &
Woods
Nays: None
Abstained: None
Motion: Carried



REPORT & RECOMMENDATION

REQUEST TO CHANGE FROM CLASS P TO CLASS A LIQUOR LICENSE

DISCUSSION:

Chief Vesta reported the Mayor had a request from Frank's Fresh Market to allow expanded menu items and the consumption of alcohol while consuming the food. It would reduce the Class P licenses by one and increase Class A licenses by one. He has spoken with other communities and they had no issues with similar setups.

VOTE:

Ald. Messina made a motion, seconded by Ald. Woods, to approve the change from a Class P to Class A Liquor License. A roll call vote was taken, with the following results:

Ayes: Ald. Jakab, Messina, Sorrentino, Susmarski, E. Wesley, R. Wesley & Woods
Nays: None
Recused: Ald. Catalano
Abstained: None
Motion: Carried

REPORT & RECOMMENDATION:

REQUEST FOR AMANDMENT TO LIQUOR LICENSE CODE REGARDING THE SAMPLING OF PRODUCT ON-PREMISES

DISCUSSION:

Chief Vesta explained this request came to the Mayor from Chicago Wine Company who wants to have the ability for sampling of wine. They have been in the City for over 10 years. State law already allows for three samples per person; this would just change the wording already covered by that law.

VOTE:

Ald. E. Wesley made a motion, seconded by Ald. Susmarski, to approve an Amendment to the Liquor License Code Regarding the Sampling of Product On-Premises. A roll call vote was taken, with the following results:

Ayes: Ald. Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley, R. Wesley & Woods
Nays: None
Abstained: None
Motion: Carried



ITEMS TO BE CONSIDERED AT FUTURE MEETINGS:

- a) Squad Purchase (July 11)
- b) Police Department Code Revisions (July 11)

ADJOURNMENT:

The meeting adjourned at 8:25 p.m.

Minutes taken by Eileen Schultz



REQUEST FOR COMMITTEE ACTION

Referred to Committee: July 11, 2019
Subject: Squad Car Replacements
Staff Contact: Greg Vesta, Chief of Police
Department: Police

TITLE: Approval of the replacement of Squad #402, #406 & #407 in an amount not to exceed \$106,026

RECOMMENDATION:

Approved the ordering of three replacement squad cars for the current fiscal year. The total cost per vehicle is \$35,342 from Currie Motors and the total cost for all three vehicles is \$106,026.

BACKGROUND:

The City has a vehicle replacement schedule that is a program to remove high mileage vehicles that are more expensive to maintain or are experiencing increased downtime for repairs and have reached the end of their useful life.

The vehicles that are in need of replacement are 2014 Ford Utility Interceptors. They pricing is competitively bid through the Northwest Municipal Conference.

ANALYSIS:

In the FY2019 budget, we had anticipated replacing these three vehicles, but due to the better reliability of the Interceptor Utilities that we have been experiencing, we have been extending their useful life from 3 years to 4 or 5 years, depending on the circumstances for each vehicle.

We did not end up buying these vehicles during FY2019, but have budgeted for them in this fiscal year, and they are now in need of replacement.

Below is the scoring for each vehicle as conducted by the Vehicle Maintenance Division.

Vehicle #402 - 37%	Months in Service	Age Points	Miles	Mileage Points
	59	6	93481	1
	Original Cost	Repair Costs	Repair Cost %	Repair Costs Points
	\$25,425	\$20,621.91	81%	0
	# of Repair Orders	Mechanical Condition Points	Body Condition Points	Interior Condition Points
	69	4	6	5
	Maximum Points	Total Points Received	Notes from Vehicle Maintenance Staff	
	60	22	\$9,780.66 is accident repairs 15,475 engine hrs/11,413 engine idle hrs	

Vehicle #406 - 50%	Months in Service	Age Points	Miles	Mileage Points
	59	6	87376	2
	Original Cost	Repair Costs	Repair Cost %	Repair Costs Points
	\$25,425	\$12,858.88	51%	1
	# of Repair Orders	Mechanical Condition Points	Body Condition Points	Interior Condition Points
	68	5	8	8
	Maximum Points	Total Points Received	Notes from Vehicle Maintenance Staff	
	60	30	13,874 engine hours/9992 engine idle hours	

Vehicle #407 - 48%	Months in Service	Age Points	Miles	Mileage Points
	67	5	91578	1
	Original Cost	Repair Costs	Repair Cost %	Repair Costs Points
	\$25,152	\$10,361.86	41%	2
	# of Repair Orders	Mechanical Condition Points	Body Condition Points	Interior Condition Points
	68	5	8	8
	Maximum Points	Total Points Received	Notes from Vehicle Maintenance Staff	
	60	29	13,414 engine hours/9029 engine idle hours	

DOCUMENTS ATTACHED

✓ None



REQUEST FOR COMMITTEE ACTION

Referred to Committee: July 11, 2019
Subject: Agreement for Police Services
Staff Contact: Greg Vesta, Chief of Police
Department: Police

TITLE: A Resolution Authorizing an Intergovernmental Agreement between the City of Wood Dale and Fenton High School District #100

RECOMMENDATION:

Approve a resolution authorizing an intergovernmental agreement for police services between the City and Fenton High School District #100

BACKGROUND:

The Police Department has provided a school resource liaison officer for Fenton High School since the middle of the school year in 1999, when Bensenville did not have the staff to provide this type of service anymore.

The current agreement for police services has been in place since 2000, and is in need of refreshing. The only structural changes to the proposed agreement is the removal of specific reporting dates and types, and the change to wording that says the reporting will be completed upon mutual agreement between the Chief and Superintendent.

ANALYSIS:

Fenton High School reimburses the City for the entire cost of the officer who is assigned to the school, including salary, overtime, FICA, and health/disability benefits.

The Police Department feels that the ability to have an officer in the school, which is attended by large percentage of Wood Dale residents is beneficial to the school and department. Frequently, issues that may originate in the home could show up in school situations, and vice-versa. Having a dedicated officer that is involved in both of these

aspects ensures a level of continuity and consistency when dealing with those that may require additional intervention or encouragement.

The officer is not merely an enforcement mechanism, but also presents topics to some of the classes, builds relationships with the students, and is an important part of our community policing effort.

DOCUMENTS ATTACHED

- ✓ Resolution
- ✓ Agreement for Police Services

RESOLUTION #R-19-

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF WOOD DALE AND FENTON HIGH SCHOOL DISTRICT
#100**

WHEREAS, the CITY is a duly organized and existing body politic and corporate governed by the provisions of the Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq.; and

WHEREAS, the SCHOOL DISTRICT is a duly organized and existing school district governed by the provisions of the Illinois School Code, 105 ILCS 5/1-1, et seq.; and

WHEREAS, the CITY and the SCHOOL DISTRICT are public agencies within the meaning of the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1, et seq., and are authorized by Article VII, Section 10 of the Constitution of the State of Illinois to cooperate for public purposes; and

WHEREAS, the purpose of the Intergovernmental Cooperation Act and Article VII, Section 10 of the Constitution of the State of Illinois includes fostering cooperation among governmental bodies; and

WHEREAS, Article VII, Section 10, of the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act, 5 ILCS 220/1, et seq., authorize units of local government to contract or otherwise associate among themselves to obtain or share services, to exercise, combine or transfer any power or function, in any manner not prohibited by law, to use their credit, revenues and other reserves to pay costs and to service debt related to intergovernmental activities; and

WHEREAS, the CITY and the SCHOOL DISTRICT are “units of local government,” as defined in Article VII, Section 1, of the Illinois Constitution of 1970, and, therefore, pursuant to Section 10 of Article VII, have the power to contract among themselves to obtain or share services and to exercise, combine or transfer any power or function in any manner not prohibited by law or ordinance; and

WHEREAS, in the spirit of intergovernmental cooperation, the CITY has expressed a willingness to provide the SCHOOL DISTRICT certain police services; and

WHEREAS, in evaluation of this mutual desire and in the spirit of governmental cooperation, the CITY and the SCHOOL DISTRICT have conferred and deem it beneficial to both Parties to enter into an Intergovernmental Agreement for the certain CITY police department services, which is attached hereto and incorporated herein by reference as Exhibit “A.”

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wood Dale, County of DuPage, Illinois, in regular session assembled:

SECTION 1. The recitals set above are incorporated herein and made a part hereof.

SECTION 2. The Mayor is hereby authorized and directed to execute on behalf of the City of Wood Dale, and the Clerk is hereby authorized to attest thereto, the Intergovernmental Agreement attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 3. The City Manager, Staff and Attorney for the City of Wood Dale are hereby authorized to take such action as may be necessary to carry out the terms of said Intergovernmental Agreement.

SECTION 4. The Clerk is hereby directed to transmit a certified copy of this Resolution and two duplicate originals of the executed Intergovernmental Agreement to the Fenton High School District #100, Attn. Superintendent James Ongtengco, 1000 W Green Street, Bensenville, IL 60106.

SECTION 5. This Resolution shall take effect immediately upon its passage and approval as provided by law

PASSED this 18th day of July, 2019

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 18th day of July, 2019

SIGNED: _____
Annunziato Pulice, Mayor

ATTEST: _____
Shirley J. Siebert, City Clerk

AGREEMENT FOR POLICE SERVICES

THIS AGREEMENT is made and entered into this _____ day of _____, 2019, by and between the CITY OF WOOD DALE, DuPage County, Illinois, a municipal corporation (hereinafter referred to as “**City**”), and FENTON HIGH SCHOOL DISTRICT 100, DuPage County, Illinois (Hereinafter referred to as “**Fenton**”);

WITNESSETH:

WHEREAS, the Constitution of the State of Illinois of 1970 at Article VII, Section 10, and the Illinois Compiled Statutes at 5 ILCS 220/1 *et seq.*, and at 65 ILCS 5/11-1-2.1, authorize intergovernmental cooperation and agreement between municipal corporations and school districts; and

WHEREAS, Fenton has no police department and has requested the City to provide police services by and through the City Police Department (hereinafter referred to as “**Department**”) under the terms and conditions set forth in this Agreement (hereinafter referred to as “**Agreement**”); and

WHEREAS, the City Council of the City and Fenton’s School Board have determined that it is desirable and necessary in order to preserve and protect the health, safety, and welfare of the citizens that this Agreement be implemented;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, IT IS AGREED by and between the City and Fenton, as follows:

1. That for the term of this agreement or any duly authorized extension thereof, at the sole cost and expense of Fenton, the City will provide supervision by the Department for the following police services to be performed by a “School Liaison Officer” upon Fenton’s properties:
 - A. Police patrol by one (1) or more sworn police officers of the Department;
 - B. Enforcement of rules and regulations of Fenton as well as applicable Illinois statutes;
 - C. Prosecution in a court of competent jurisdiction of all defendants charged with violations by the Department with the understanding that the City Attorney of the City or, as the case may be, the State’s Attorney of DuPage County, shall be the prosecuting attorney in such matters involving violations of local ordinances or, as the case may be, the State statutes -- with the understanding that all fines collected as a result of such violations charged by any member of the Department or any prosecution as described herein shall be paid to the City; and

APPENDIX A

- D. The preparation and filing of all criminal reports on behalf of Fenton as required by law and in connection therewith the establishment and thereafter maintenance of a record system for all such incidents pertaining to Fenton.
 - 1) The Chief of the Department and/or the Superintendent of Fenton shall be solely responsible for furnishing information to the press and the general public, as and only to the extent allowed by law, and in connection therewith, shall report specific details of incidents and names of persons involved therewith as in the sole discretion of each shall be deemed proper and lawful. In accord with the Reciprocal Reporting Act and the School Code, the Chief of the Department shall facilitate the exchange of information with the Superintendent of Fenton regarding reports and details of the specific incidences and charges involving Fenton students.
 - 2) On a regular basis during a mutually agreed upon timeframe, monthly and annual reporting will be provided by the Chief of the Department to the Fenton Superintendent listing all police service activities performed in Fenton.
- 2. Fenton shall select the personnel to serve as School Liaison Officers (herein referred to as “**School Liaison Officers**”) from among the trained police officers employed by the City in its Department.
 - A. The Chief of the Department shall retain administrative responsibility for the law enforcement activities of those assigned to serve as School Liaison Officers and he and his staff shall have and shall exercise sole authority and supervision over its officers, although the School Liaison Officers shall be assigned to school property at times pursuant to a predetermined schedule established by Fenton and the Department.
 - B. While assigned to work as School Liaison Officers, members of the Department shall remain in the employ of the City exclusively, and shall not be employees of Fenton. Fenton shall not have any obligation to provide employee benefits or workers’ compensation payments of any kind directly to the School Liaison Officer. The School Liaison Officer’s primary responsibility shall at all times remain as a sworn police officer. The School Liaison Officer shall at all times be subject to the administration, direction, supervision and control of the City. The City shall have the sole authority to hire, assign, discipline and discharge the School Liaison Officer. Fenton shall reimburse the City the actual costs of the City for providing each

of the School Liaison Officers. Accordingly, Fenton shall provide the City on a regular basis a record of hours worked by each of the School Liaison Officers and repay the City its costs within thirty (30) days of its receipt of a notice from the City containing the City's invoice for the actual costs of the services rendered. Prior to the execution of the Agreement, the City has provided Fenton the projected amount of the associated costs anticipated for the services to be provided by the City under this Agreement; and the City shall continue annually to do so prior to each automatic renewal hereof.

3. This Agreement shall not be construed as to limit in any way the authority of the officers of the Department to enforce the laws of the State of Illinois and United States as otherwise authorized by applicable law, either on or off of the properties of Fenton, whether or not such police officers are working at Fenton as School Liaison Officers.
4. The City, at its sole cost and expense, shall keep in full force and effect at all times during the term of this Agreement, general public liability insurance, including contractual liability coverages, workers' compensation insurance and such other types of insurance in such amounts and with such companies or self-insurance pools as are reasonably acceptable to Fenton against claims for injuries to persons or damages to property that might arise under this Agreement.
5. To the fullest extent permitted by law, each party shall indemnify, defend and hold harmless the other party, its governing board and its members, employees, volunteers, and agents, and their successors and assigns, in their individual and official capacities (collectively, the "Indemnities"), from and against any and all liability, loss, claim, demand, lien, damage, penalty, fine, interest, cost, and expense, including without limitation, reasonable attorneys' fees and litigation costs, incurred by any of the Indemnities for injuries to persons or for damage, destruction or theft of property arising out of any activity of the other party, or any act or omission of the other party or of any employee, agent, contractor, volunteer, or invitee of the party, but only to the extent caused in whole or in part by any wrongful or negligent act or omission of the other party. The indemnification obligation shall not extend to any judgment for punitive damages or to any injury to person or property which arises solely as a result of City Police Department policy, practice, procedure, order or directive.
6. This Agreement contains the entire agreement and understanding of the parties hereto and may be amended only by an instrument in writing executed by all parties hereto.
7. This Agreement shall be construed in accordance with the laws of the State of Illinois. The invalidity or unenforceability of any provision of this

APPENDIX A

Agreement shall not offset or invalidate any other provision. If any provision of the Agreement is capable of two (2) constructions, one of which would render the provision invalid and other of which would make the provision valid, then the provision shall have the meaning which renders it valid.

8. That the term of the Agreement shall be for the period commencing August 15, 2019, through and including May 28, 2020 (hereinafter each start of the school year through the end of the school year is referred to as “**Fiscal Year**”). In the event neither the City Council of the City, nor the School Board of Fenton give timely notice as provided in paragraph 9 below, the Agreement as contained herein shall be renewed automatically for successive single (1) Fiscal Year periods upon the commencement of Fiscal Year August 2020, and each succeeding Fiscal Year thereafter.
9. That this Agreement may be terminated by the respective parties at any time as follows:
 - A. The City may terminate this Agreement by giving thirty (30) days’ prior written notice to Fenton.
 - B. Fenton may terminate this Agreement by giving thirty (30) days’ prior written notice to the City.
 - C. However, termination of this Agreement shall not terminate any hold harmless clauses herein, insofar as acts which occur during the term of this Agreement, nor the duty to make any payments required herein for services rendered during the term of this Agreement prior to such termination.
10. Any notices or other communications required or permitted hereunder shall be sufficiently given if sent registered or certified mail, postage prepaid, addressed to the addresses set forth below or such other address as shall be furnished in writing by any such party, and any notice or communication shall be deemed to have been given as of the date so mailed:

If to the City:	City Manager	With Copy to :	City Clerk
Each Addressed to:	City Hall 404 N. Wood Dale Road Wood Dale, IL 60191		

If to Fenton:	Superintendent Fenton School District 100 1000 W. Green Street Bensenville, IL 60106
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APPENDIX A

11. Fenton certifies hereby that it is not barred from entering into this Agreement as a result of violations of either Section 33E-3 or Section 33E-4 of the Illinois Criminal Code and that it has a written sexual harassment policy in place in full compliance with 775 ILCS 5/2-105(A)(4).
12. The City certified hereby that it is not barred from entering into this Agreement as a result of violations of either Section 33E-3 or Section 33E-4 of the Illinois Criminal Code and that it has a written sexual harassment policy in place in full compliance with 775 ILCS 5/2-105(A)(4).
13. Nothing in this Agreement shall be construed to consider any party or its respective employees or agents as the agents or employees of the other party. Nothing contained in or done pursuant to this Agreement shall be construed as creating a partnership, agency, joint employer or joint venture relationship between the City and Fenton. No party shall become bound, with respect to third parties, by any representation, act or omission of the other party. This Agreement is for the benefit of the contracting parties only and is not intended to raise or acknowledge any duty regarding conduct or other form of liability as to third parties.
14. The Officers of the City and Fenton executing this Agreement on behalf of their respective corporations, certify hereby that each has been duly authorized to sign and this Agreement has been approved the City Council of the City and School Board of Fenton, respectively.

IN WITNESS WHEREOF, the parties hereto have entered their hands and seals the day and year first above written.

FENTON HIGH SCHOOL DISTRICT 100

(SEAL)

Attest:

By: _____
President, Paul Wedemann

Secretary, Patricia Jalowiec

CITY OF WOOD DALE

(SEAL)

Attest:

By: _____
Mayor Annunziato Pulice

City Clerk Shirley Siebert



REQUEST FOR COMMITTEE ACTION

Referred to Committee: July 11, 2019
Subject: Amendments to Section 4.306 - Cigarette and Tobacco dealers
Staff Contact: Greg Vesta, Police Chief
William Frese, Deputy Chief
Department: Police

TITLE: An Ordinance Amending the City of Wood Dale Municipal Code Chapter 4 Article 3, regarding the Sales, Possession and Restrictions of Tobacco Products as Defined by the Illinois Compiled Statutes

RECOMMENDATION:

Amend the municipal code of the City of Wood Dale to comply with the Illinois Compiled statutes on tobacco, including age restrictions.

BACKGROUND:

The State Of Illinois passed an amendment to ILCS Chapter 35 130/6 effective July 1, 2019 raising the age to possess, sell, and use tobacco products to 21.

ANALYSIS:

In order to align our ordinances relating to tobacco possession, sale, and purchase, with the State Statute, Committee is asked to raise the age from 18 years to 21 years.

DOCUMENTS ATTACHED

✓ Ordinance

ORDINANCE NO. O-19

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE III, OF THE CODE OF ORDINANCES OF THE CITY OF WOOD DALE TO PROHIBIT THE SALE OF TOBACCO TO PERSONS UNDER THE AGE OF 21, AND PROHIBIT THE POSSESSION OF TOBACCO PRODUCTS BY PERSONS UNDER 21 YEARS OF AGE

WHEREAS, the City of Wood Dale (hereinafter referred to as “City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code, 65 ILCS 5/11-20-5 to regulate for the public health; and

WHEREAS, the City is authorized, pursuant to its police power, 65 ILCS 5/11-1-1, to carry out the powers delegated to it under its grants of authority; and

WHEREAS, the City has determined that it is reasonable and necessary, pursuant to its community caretaking function and in furtherance of public safety, to provide restrictions on the purchase of tobacco products by minors; and

WHEREAS, On July 1, 2019 the State Of Illinois enacted a statute amendment (Public Act #101-0002) to raise the age to purchase, possess or sell tobacco products from 18 years to 21 years of age.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOOD DALE, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION ONE: That the recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: That Chapter 4, Article III, of the City of Wood Dale Municipal Code is hereby amended:

Section 4.306 Cigarette and Tobacco Dealers

A. License Required: No person shall engage in the sale of cigarettes, electronic cigarettes or their components, cigars or tobacco in any form at retail within the corporate limits of the City without having obtained a license from the City in the manner provided in section 4.302 of this article.

B. Prohibited Signs And Delivery:

1. Signs informing the public of the age restrictions provided for herein shall be posted by every licensee at or near every display of tobacco products or

electronic cigarettes or their components and on or upon every vending machine which offers tobacco products or electronic cigarettes or their components for sale. Each such sign shall be plainly visible and shall state:

THE SALE OF TOBACCO PRODUCTS OR ELECTRONIC CIGARETTES OR THEIR COMPONENTS TO PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE IS PROHIBITED BY LAW.

The text of such signs shall be in red letters on a white background, said letters to be at least one inch (1") high.

2. It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products or electronic cigarettes or their components within one hundred feet (100') of any school, childcare facility or other building used for education or recreational programs for persons under the age of twenty-one (21) years.

C. Minimum Age to Sell Tobacco Products: It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under sixteen (16) years of age to sell tobacco products or electronic cigarettes or their components in any licensed premises.

D. Purchase or possession By Minors Prohibited: It shall be unlawful for any person under the age of twenty-one (21) years to purchase or possess tobacco products, or electronic cigarettes or their components, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

E. Certain Free Distributions Prohibited: It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products or electronic cigarettes or their components, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver tobacco products or electronic cigarettes or their components free of charge to any person on any right-of-way, park, playground, or other property owned by the City, any school district, any park district or any public library.

F. Responsibility For Agents And Employees: Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this section by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

SECTION THREE: That all portions of Article III of Chapter 4 not amended by this Ordinance shall remain in full force and effect.

SECTION FOUR: That the City Clerk of the City of Wood Dale be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the

statutes of the State of Illinois.

SECTION FIVE: Any and all policies, resolutions or ordinances in conflict with the provisions of this ordinance shall be, and they are hereby, repealed.

SECTION SIX: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 18th day of July, 2019.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 18th day of July, 2019.

SIGNED: _____
Annunziato Pulice, Mayor

ATTEST: _____
Shirley J. Siebert



REQUEST FOR COMMITTEE ACTION

Referred to Committee: July 11, 2019
Subject: Ordinance amendments to Chapter 14
Staff Contact: Greg Vesta, Police Chief
William Frese, Deputy Chief
Department: Police

TITLE: An Ordinance amending the City of Wood Dale Municipal Code Chapter 14, to enact the offenses of Theft and Criminal Damage to Property

RECOMMENDATION:

Amend the municipal code of the City of Wood Dale to include two offenses in Chapter 14, Theft and Criminal Damage to Property.

BACKGROUND:

Historically, when Wood Dale Police officers prosecute complaints of Theft or Criminal Damage to Property, they are restricted as far as prosecution options. Currently there is no charging option under the City of Wood Dale municipal code, and the offenders must be charged under State Statutes.

ANALYSIS:

With the addition of these two ordinances, it allows the option of alternate prosecution, which carries a lessor penalty, and would not be considered a criminal offense for the sake of reporting criminal history.

In certain juvenile cases, prosecutions would only be approved in Juvenile court if the offense reaches a certain level (monetarily). This eliminates other options for charging. This addition would allow officers to have more options to assist victims with their losses.

DOCUMENTS ATTACHED

- ✓ Ordinance

ORDINANCE NO. O-19

AN ORDINANCE AMENDING CHAPTER 14, OF THE CODE OF ORDINANCES OF THE CITY OF WOOD DALE TO PROHIBIT THEFT AND CRIMINAL DAMAGE TO PROPERTY.

WHEREAS, the City of Wood Dale (hereinafter referred to as “City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code, 65 ILCS 5/11-20-5 to regulate for the public health; and

WHEREAS, the City is authorized, pursuant to its police power, 65 ILCS 5/11-1-1, to carry out the powers delegated to it under its grants of authority; and

WHEREAS, the City has determined that it is reasonable and necessary, pursuant to its community caretaking function and in furtherance of public safety, to provide charging options for certain offenses.

WHEREAS The State of Illinois under Illinois Compiled statutes prohibits the offenses of Theft (720 ILCS 5/16-1), and Criminal Damage to Property (720 ILCS 5/21-1).

WHEREAS The City of Wood Dale has the ability to adopt ordinances to enhance the options for prosecuting certain offenses that occur in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOOD DALE, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION ONE: That the recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: That Chapter 14, of the City of Wood Dale Municipal Code is hereby amended:

14.524 Theft.

- A. A person commits theft when he or she knowingly:
 - 1. Obtains or exerts unauthorized control over property of the owner; or
 - 2. Obtains by deception control over property of the owner; or
 - 3. Obtains by threat control over property of the owner; or

4. Obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him or her to believe that the property was stolen.

14.525 Criminal Damage to Property.

- A. A person commits criminal damage to property when he or she:
 - 1. Knowingly damages any property of another; or
 - 2. Recklessly by means of fire or explosive damages property of another; or
 - 3. Knowingly starts a fire on the land of another; or
 - 4. Knowingly injures a domestic animal of another without his or her consent.

SECTION THREE: That all portions of Chapter 14 not amended by this Ordinance shall remain in full force and effect.

SECTION FOUR: That the City Clerk of the City of Wood Dale be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

SECTION FIVE: Any and all policies, resolutions or ordinances in conflict with the provisions of this ordinance shall be, and they are hereby, repealed.

SECTION SIX: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 18th day of July, 2019.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 18th day of July, 2019.

SIGNED: _____
Annunziato Pulice, Mayor

ATTEST: _____
Shirley J. Siebert



PUBLIC WORKS
COMMITTEE MINUTES

Committee Date: June 13, 2019
Present: Ald. Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley
R. Wesley & Woods
Absent: None
Also Present: Treasurer Porch, City Manager Mermuys, Police Chief Vesta,
E. Cage, B. Garelli, A. Lange
Meeting Convened at: 8:25 p.m.

APPROVAL OF THE MINUTES:

The minutes of the May 9, 2019 meeting were approved as presented.

REPORT & RECOMMENDATION:

APPROVAL OF AGREEMENT BETWEEN CITY OF WOOD DALE & CHRISTOPHER B. BURKE
ENGINEERING, LETC. (CBBEL) FOR PROFESSIONAL ENGINEERING SERVICES FOR RICHERT
STATION & TANK MAINTENANCE

DISCUSSION:

None

VOTE:

Ald. Catalano made a motion, seconded by Ald. Jakab, to approve an Agreement between the
City of Wood Dale and Christopher B. Burke Engineering, Ltd. (CBBEL) for Professional
Engineering Services for Richert Station and Tank Maintenance in the not-to-exceed amount of
\$60,443.00. A roll call vote was taken, with the following results:

Ayes: Ald. Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley, R. Wesley
& Woods
Nays: None
Abstained: None
Motion: Carried

REPORT & RECOMMENDATION

APPROVAL OF AGREEMENT BETWEEN CITY OF WOOD DALE & ROBINSON ENGINEERING FOR
PROFESSIONAL SERVICES FOR COMMUNITY RATING SYSTEM (CRS) ADMINISTRATION



DISCUSSION:

None

VOTE:

Ald. Catalano made a motion, seconded by Ald. Sorrentino, to approve an Agreement between the City of Wood Dale and Robinson Engineering for Professional Services for Community Rating System (CRS) Administration in the not-to-exceed amount of \$15,865. A roll call vote was taken, with the following results:

Ayes: Ald. Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley, R. Wesley & Woods
Nays: None
Abstained: None
Motion: Carried

REPORT & RECOMMENDATION:

APPROVAL OF AGREEMENT BETWEEN CITY OF WOOD DALE & ROBINSON ENGINEERING FOR FY2020 MANAGEMENT OF INDUSTRIAL PRE-TREATMENT PROGRAM, NPDES PERMIT REQUIRED NUTRIENT STUDIES AND OTHER DESIGN WORK

DISCUSSION:

None

VOTE:

Ald. Catalano made a motion, seconded by Ald. Jakab, to approve an Agreement between the City of Wood Dale and Robinson Engineering for the FY 2020 Management of the Industrial Pretreatment Program, NPDES Permit Required Nutrient Studies and Other Design Work in a not-to-Exceed Amount of \$202,300.00. A roll call vote was taken, with the following results:

Ayes: Ald. Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley, R. Wesley & Woods
Nays: None
Abstained: None
Motion: Carried

ITEMS TO BE CONSIDERED AT FUTURE MEETINGS:

- a. Rear Yard Drainage Not for Profit – July 11



Ald. Messina asked about adding additional residents to committees and forming new committees. Mr. Mermuys stated the Mayor has the power to do that at a council meeting, so it should be under the Mayor's Report.

ADJOURNMENT:

The meeting adjourned at 8:27 p.m.

Minutes taken by Eileen Schultz



REQUEST FOR COMMITTEE ACTION

Referred to Committee: July 11, 2019
Subject: Floodplain Ordinance Update
Staff Contact: Alan Lange, Assistant Public Works Director
Department: Public Works

TITLE: Approval of Amendments to Article VIII of Unified Development Ordinance Reflecting Changes to DuPage County Stormwater Management Ordinance Including Adoption of New Flood Insurance Study and Flood Insurance Rate Maps

RECOMMENDATION:

Staff recommends approving amendments to Article VIII of Unified Development Ordinance reflecting changes to DuPage County Stormwater Management Ordinance including adoption of new Flood Insurance Study and Flood Insurance Rate Maps.

BACKGROUND:

The City of Wood Dale has previously adopted the DuPage County Stormwater Management Ordinance (DCSMO) as a complete waiver community. Recently the DCSMO has been updated to include new Flood Insurance Rate Maps (FIRM) and a new Flood Insurance Study (FIS) conducted by FEMA. Revisions have also been made to streamline the document and avoid duplicative language as suggested by the Illinois Department of Natural Resources.

ANALYSIS:

Aside from costs associated with review of these documents by City's stormwater engineers there is no significant financial impact on the City. These documents must be adopted into City Code by the August 1, 2019 deadline in order to remain compliant with DCSMO.

DOCUMENTS ATTACHED

- ✓ Robinson Engineering Memo
- ✓ Amended Article VIII of Unified Development Ordinance

To: Alan Lange – Acting Public Works Director
Ed Cage – Community Development Director Date: 6/28/19

From: Sean P. Kelly, PE, CFM, CPESC
Dana E. Ludwig, PE, CFM, CPESC

Subject: Floodplain Ordinance Update Project No. 19-R0543

FEMA has updated the Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) for the City and all of DuPage County. The updated maps need to be formally adopted by the City (as part of City Code) in order to continue eligibility in the National Flood Insurance Program. The effective dates on the maps and FIS is August 1, 2019 and approval of the amended City Code Chapter 17 Article VII needs to occur before then.

In addition to the required update, additional evaluation and updates were warranted:

- The City's Code did not reflect the most current County Code. While the City's Code included some items that were more restrictive than the County and both applicable codes were being enforced, it is required to ensure the City Code is up-to-date.
- As part of the approval process, IDNR Staff reviews and guides the code amendments. Preliminary discussions and review of a first draft of the City's updated Code revealed that the City's Code required additional rework. IDNR Staff strongly recommended that duplicative language be removed and superfluous language that is essentially no longer applicable be removed for a more concise document and to ensure more straight forward enforcement. This results in a slightly shorter City Code with heavy reliance on County Code.

At this time, the City's Code reflects the required updates as well as the recommended updates from IDNR. We have deleted various sections from the current ordinance and added new language (shown in red text). To our understanding, this updated Code now meets the requirements of DuPage County, IDNR, and FEMA. After the City adopts the updated code, it will then be submitted to FEMA.

One notable point to remember: even though the updated floodplain maps are used by lenders to make decisions regarding flood insurance requirements, they are not the sole source of information for determining if they will require a flood insurance premium to be paid; lenders have the right to require more detailed information on an individual lot basis.

Article VIII

STORMWATER AND FLOODPLAIN MANAGEMENT

[17.801. TITLE, AUTHORIZATION, FINDINGS, STORMWATER MANAGEMENT PLAN AND WATERSHED PLANS:](#)

[17.802. STORMWATER COMMITTEE ENFORCEMENT WITHIN THE CITY:](#)

[17.803. GENERAL PROVISIONS:](#)

[17.804. ADMINISTRATION:](#)

[17.805. REQUIREMENTS FOR STORMWATER AND FLOODPLAIN MANAGEMENT:](#)

[17.806. SPECIAL MANAGEMENT AREAS:](#)

[17.807. STORMWATER MANAGEMENT PERMITS:](#)

[17.808. PROHIBITED ACTS:](#)

[17.809. PERFORMANCE SECURITY:](#)

[17.810. ENFORCEMENT AND PENALTIES:](#)

[17.811. APPEALS:](#)

[17.812. VARIANCES:](#)

[17.813. MISCELLANEOUS PROVISIONS:](#)

Sec. 17.801. Title, Authorization, Findings, Stormwater Management Plan And Watershed Plans.

- A. Title: This article shall be known and may be cited as the *WOOD DALE STORMWATER AND FLOODPLAIN MANAGEMENT ORDINANCE*.
- B. Authorization: The City promulgates this article pursuant to its authority to adopt ordinances regulating floodplain management and governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in the City, in accordance with the adopted DuPage County stormwater management plan (hereinafter referred to as "plan"). The statutory authority for this article is contained in 65 Illinois Compiled Statutes 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2 (1992) and other applicable authority, all as amended from time to time.
- C. Recommendation: The plan was recommended by the Stormwater Management Committee of the DuPage County Board, after review by the appropriate agencies and public hearing, as ordinance OSM-0001-89. The plan is available for public inspection in the Office of the City Clerk of the City of Wood Dale.
- D. Findings: The City finds hereby that:
1. Inappropriate use of the floodplain and development have increased flood risk, flood damage, and environmental degradation;
 2. It is necessary to consider stormwater management on a watershed basis;
 3. The City drains poorly because of flat topography and soils of low permeability;
 4. The costs of increasing channel capacity are prohibitive;

5. Many land development practices upset the natural hydrologic balance of the City's streams;
6. Most flood damage occurs to structures developed adjacent to streams in the floodplain or floodway;
7. Wetlands represent a significant portion of the natural watershed storage in the City, and wetlands play an essential role in flood storage, conveyance, sediment control, and water quality enhancement;
8. Many stormwater management facilities are not adequately maintained;
9. The authority for control of stormwater facilities is widely distributed to many entities in the City;
10. There are many strong local stormwater management programs; and
11. Inconsistent enforcement of stormwater regulations contributes to the extent and severity of flood damage.

E. Adoption of DuPage County Countywide Stormwater And Floodplain Ordinance: It is hereby adopted by the City for the purpose of establishing rules and regulations for the construction, alteration, use and occupancy, location and maintenance of land development and building construction in accordance with proper floodplain and stormwater controls, including permits and penalties, that certain code known as the DuPage County Countywide Stormwater and Floodplain Ordinance being particularly the May 14, 2019 edition thereof, and all subsequent amendments, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended per this article, of which one copy has been and now is filed in the office of the City Clerk and the same is hereby adopted and incorporated as fully as if set out at length therein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the City.

F. Adoption of Flood Study And Flood Maps: While the DuPage County Countywide Stormwater and Floodplain Ordinance includes a list of streams, maps, and stream profiles, the following streams, maps, and stream profiles apply specifically to the City of Wood Dale and surrounding unincorporated DuPage County areas that are within the extraterritorial jurisdiction of the City of Wood Dale and which may in the future be annexed to the City of Wood Dale:

1. The mapped streams with designated floodways and floodplains are:
 - a. Salt Creek.
2. Flood insurance study, DuPage County, Illinois and incorporated areas, dated August 1, 2019, and all subsequent revisions, including the following specific stream flood profiles:
 - a. Salt Creek

3. Flood Insurance Rate Map, DuPage County, Illinois, and incorporated areas, county number 17043C, panel numbers 0059, 0076, 0077, 0078, and 0079, dated August 1, 2019, and all subsequent revisions.

G. Purpose: The purpose of this article is to maintain the City's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax bases, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This article is adopted in order to accomplish the following specific purposes:

1. Managing and mitigating the effects of urbanization on stormwater drainage throughout the City;
2. Reducing the existing potential for stormwater damage to public health, safety, life, and property;
3. Protecting human life and health from the hazards of flooding and degradation of water quality;
4. Protecting and enhancing the quality, quantity, and availability of surface and ground water resources;
5. Preserving and enhancing existing wetlands and aquatic and riparian buffers;
6. Controlling sediment and erosion in and from stormwater facilities, developments, and construction sites;
7. Preventing the further degradation of the quality of ground and surface waters;
8. Requiring appropriate and adequate provision for site runoff control, especially when the land is developed for human activity;
9. Requiring the design and evaluation of each site runoff control plan consistent with watershed capacities;
10. Encouraging the use of stormwater storage in preference to stormwater conveyance;
11. Lessening the taxpayers' burden for flood related disasters, repairs to flood damaged public facilities and utilities, and flood rescue and relief operations;
12. Meeting the Illinois Department of Transportation, Division of Water Resources floodway permitting requirements delineated in 615 Illinois Compiled Statutes 5/18g (1992) ("an act in relation to the regulation of the rivers, lakes and streams of the State of Illinois"), as amended from time to time;
13. Making Federally subsidized flood insurance available to individual communities and for property throughout the County by fulfilling the requirements of the National Flood Insurance Program;

14. Complying with the rules and regulations of the National Flood Insurance Program codified in title 44 of the Code of Federal Regulations;
15. Encouraging cooperation between the County, communities, and other governmental entities with respect to floodplain and stormwater management;
16. Requiring cooperation and consistency in stormwater management activities within and between the units of government having stormwater jurisdiction;
17. Restricting future development in the floodplain to facilities that will not adversely affect the floodplain environments or adversely affect the potential for flood damage;
18. Incorporating water quality and habitat protection measures in all stormwater management activities within DuPage County;
19. Requiring regular, planned maintenance of stormwater management facilities;
20. Encouraging control of stormwater quantity and quality at the most site specific or local level;
21. Allowing the use of simple technologies whenever appropriate and realistic, but requiring the use of more sophisticated techniques when necessary to ensure the adequacy of stormwater controls;
22. Providing a procedure by which communities throughout the County may petition the DuPage County Stormwater Management Planning Committee to implement and enforce the provisions of this article or an ordinance consistent with, and at least as stringent as, this article; and
23. Requiring strict compliance with and enforcement of this article.

H. Scope of Provisions:

1. This article supplements all of the subdivision, zoning, and building regulations of the City of Wood Dale.
2. The provisions of this article regulate and restrict:
 - a. The subdivision, layout and improvement of land, including drainage, underground utilities and service facilities;
 - b. The excavating, filling and grading of lots and other parcels and areas of floodplains, the storing of certain materials thereon, modifications of streams and other floodwater runoff channels, detention ponds and basins; and
 - c. The location, construction and elevation of buildings and other structures and parts and appurtenances thereof, and the drainage of parking and other paved lots or areas.

- I. Reference to Watershed Plans: This article recognizes the integrated nature of the watershed system and the need to study certain flood control alternatives and other stormwater management functions on a watershed basis.
1. The following ~~two (2)~~ ~~four (4)~~ major watershed divisions affecting the territory within the corporate limits of the City are identified for detailed watershed studies:
 - a. Salt Creek watershed;
 - b. Des Plaines River tributaries watershed.
 2. Watershed plans or interim watershed plans shall be prepared and periodically updated for the ~~two (2)~~ ~~four (4)~~ major watersheds identified in subsection I1 of this section, to identify management projects and establish criteria for development.
 3. Adopted watershed plans or interim watershed plans which contain specific criteria more or less stringent than the criteria established in this article shall govern.
 - a. Such watershed plans, upon their completion, approval, and proper adoption, shall be deemed as being incorporated into this article hereby.
 - b. Watershed specific criteria established in such watershed plans or interim watershed plans, upon their completion, shall be set forth in subsection I1 of this section.
 4. The requirements of this article shall apply in all watersheds unless superseded by specific watershed criteria. (Ord. O-17-025, 11-16-2017)

Sec. 17.802. Stormwater Committee Enforcement Within the City.  

- A. Authority and procedures regarding enforcement and complaints shall be as indicated in the DuPage County Countywide Stormwater and Floodplain Ordinance.
- B. When applicable, the City designates the Public Works and/or Community Development Departments to receive the complaint and perform all necessary tasks regarding the complaint, including preparation of a written report of findings and determinations with the assistance of the City Engineer, prior to taking the complaint to the City Council for final decision.

Commented [DL1]: City Staff. Please confirm.

Sec. 17.803. General Provisions.  

A. Scope of Regulation:

1. This article shall apply to all development of property within the boundaries of the City, including those under the control of any governmental entity, agency, or authority, ~~except State and Federal government agencies of higher jurisdiction or authority.~~

2. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-23 for all other scope and exemption provisions.

B. Interpretation: The DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-25 shall apply with the following exception:

1. Interpretation of technical provisions of this article shall be made by the City Engineer who may also consult the MEG for an advisory opinion. (Ord. O-17-025, 11-16-2017)

C. Warning and Disclaimer of Liability: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-26.

Sec. 17.804. Administration.

A. Responsibility for Administration:

1. The City Council shall determine policy related to and direct the enforcement of this article.
2. The City Engineer shall have the authority and responsibility for the administration of this article. In performing his or her duties, the City Engineer may delegate routine responsibilities to any named designee.
3. The City shall remain solely responsible for its standing in the NFIP and for:
 - a. Maintaining records and submitting reports for the NFIP, including elevation certificates, floodproofing certificates, and lowest floor elevations; and
 - b. Notifying the DuPage County Director of Stormwater Management, FEMA, OWR, COE, the Illinois Environmental Protection Agency, and the Federal Environmental Protection Agency of any proposed amendment to this article.

B. Duties of The City Engineer: The City Engineer shall perform the duties and functions as set forth in the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-13 and 15-14.

C. Duties of the Public Works Director: The Public Works Director shall oversee the implementation and enforcement of this article within the City.

D. Representative Capacity: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance regarding any action taken by the City or a City designee.

E. Required Inspections: Developments shall be subject to periodic inspections by the City, City Engineer, or other City designee per the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-20.

Sec. 17.805. Requirements for Stormwater And Floodplain Management.

A. General Information:

1. All developments shall meet the requirements specified for general stormwater and floodplain development, site runoff, sediment and erosion control, and performance security as outlined in this article, **or as outlined in the DuPage County Countywide Stormwater and Floodplain Ordinance, whichever is more restrictive.**
2. An increase of 10,000 sq. ft. or more of impervious area will require detention, rather than an increase of 25,000 sq. ft. or more as required by DuPage County.
3. Development shall also meet the more specific requirements of applicable adopted watershed plans or adopted interim watershed plans, set forth earlier in this article.
4. All developments within **floodplain, floodway wetlands, and buffers special management areas**, and substantial improvements within a floodplain, shall also satisfy the requirements specified in section [17.806](#) of this article.
5. All developers shall submit the documents specified in section [17.807](#) of this article to verify compliance with these requirements.
6. Facilities constructed under the provisions of this article shall be maintained according to the criteria and guidelines established in the plan. Maintenance is the responsibility of the owner of the land on which the stormwater facilities are constructed unless the responsibility is assigned, pursuant to subsection [17.809H](#) of this article, to an entity acceptable to the governmental unit that has jurisdiction over such land.

B. General Stormwater and Floodplain Requirements:

1. **Development shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-27 and 15-28 as well as the following requirements.**
2. The analysis and design of all stormwater and floodplain facilities required for development shall:
 - a. Be consistent with the technical guidance for the DuPage countywide stormwater and floodplain ordinance for the plan;
 - b. Consider existing and ultimate watershed and land use conditions, with and without the proposed development.
3. Stormwater facilities shall be functional before building permits are issued for residential and nonresidential subdivisions. Stormwater facilities include site runoff storage and flood compensatory storage or building construction that increases total impervious area.
4. Stormwater facilities shall be functional where practicable for single parcel developments before general construction begins.
5. All usable space in new buildings or added to existing buildings adjacent to a major stormwater system, site runoff storage facility overflow path or site runoff storage facility, shall be elevated, floodproofed, or otherwise protected to at least one foot (1') above the design elevation to prevent the entry of surface stormwater. The design elevation is the elevation associated with the design rate as determined in subsection D8f of this section.

C. Site Runoff Requirements:

1. Development shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-71 as well as the following requirements.
2. No Damage to Adjacent Property: Stormwater facilities shall be required and be designed so that runoff exits the site at a point where flows will not damage adjacent property.
3. Compliance with Illinois Law: Stormwater facilities shall be designed to conform with the requirements of Illinois law and the applicable Watershed plans.
4. Design Runoff Rates Calculation: Design runoff rates shall be calculated by using continuous simulation models or by event hydrograph methods. If event hydrograph methods are used, they must be either HEC-1 SCS runoff method, TR-20, HEC-HMS, or TR-55 tabular method. Event methods must incorporate the following assumptions:
 - a. Antecedent moisture condition = 2; and
 - b. Huff or SCS type II rainfall distribution.
5. Stormwater System Location: Major and minor stormwater systems shall be located within easements or rights of way explicitly providing for public access for maintenance of such facilities.
6. Maximum Flow Depths: Maximum flow depths on any roadway shall not exceed six inches (6") during the base flood condition. This requirement does not apply to the at-grade repair, resurfacing or in-kind replacement of a roadway existing prior to the effective date of this Ordinance.
7. Incorporation of BMPs: Developments shall, to the extent practicable and necessary, incorporate the following Best Management Practices (hereinafter referred to as "BMPs") into the design to minimize increases in runoff rates, volumes, and pollutant loads:
 - a. The following requirements for site runoff shall apply to industrial and commercial developments and also to residential developments to the extent not inconsistent with the requirements in subsection C7b of this section:
 - (1) All runoff from rooftops and parking lots, and discharge from sump pumps, that does not discharge into a site runoff storage facility shall be directed onto vegetated swales of filter strips, for a distance of at least fifty feet (50').
 - (2) Vegetated swales shall be utilized, where appropriate, as an alternative to storm sewers to promote the infiltration of stormwater and the filtration of stormwater pollutants.
 - (3) Effective impervious surface area should be limited by site designs which minimize the area of streets, parking lots, and rooftops and/or utilize permeable paving material such as concrete grids in low traffic areas.

- (4) Other Best Management Practices (hereinafter referred to as BMPs) such as infiltration basins and trenches (where permeable soils are present) and filtration basins and sand filters (on highly impervious or industrial developments) shall be utilized where appropriate.
 - (5) The practices and procedures established in the technical guidance for the DuPage County Countywide Stormwater and Floodplain Ordinance for the plan and as described in the United States Environmental Protection Agency's "Guidance Specifying Management Measures For Sources Of Nonpoint Pollution In Coastal Waters", dated January 1993.
- b. The following requirements shall apply to all residential developments for which building permits are issued on and after March 1, 2009:
- (1) For all teardown lots and all subdivisions less than one-half ($1/2$) acre in size:

- (A) All gutters, downspouts and sump pump discharges shall have their flows directed in such a manner as to disperse the flow throughout the lot, to provide maximum infiltration, and reduce the concentration of flow which may otherwise have an adverse effect on neighboring properties. Where the property is tributary to a detention basin that was designed to accommodate the runoff from the lot or subdivision, downspouts and sump pump discharges shall be connected directly to the storm sewer. Where the property is not tributary to such detention basin, vegetated infiltration areas with subsurface drainage shall be used to provide stormwater quality benefits and reduce the concentration of runoff.

- (B) Slopes on all lots shall be designed at a minimum of two percent (2%) grade, except that on lots existing prior to March 1, 2009, the existing slopes may be allowed to remain if they are a minimum of one and one-half percent ($1\frac{1}{2}\%$) grade. Following construction, an as built survey shall be submitted to the City in order to verify that the site was constructed to the elevations and slopes shown on the approved engineering plans. It shall be unlawful for the owner of any property which has been improved or graded in accordance with the provisions specified herein to alter the grading from that which is shown on the approved as built plan.

- (C) Additionally, the entire runoff from the site shall be treated in accordance with the BMP requirements of the DuPage County Countywide Stormwater and Floodplain Ordinance, or a fee specified in the master fee schedule, shall be paid in lieu of providing such treatment. The fee in lieu rate shall be in accordance with the current County Ordinance:

Use of the fee in lieu option shall satisfy the requirements with respect to the DuPage County Countywide Stormwater and Floodplain Ordinance BMP; however, all City of Wood Dale

requirements must still be adhered to, including those in subsections C7b(1)(A) and C7b(1)(B) of this section. The fee in lieu funds collected shall be accounted for in a separate account and shall be used for the construction of new BMPs, or for the maintenance and repair of existing BMPs.

(2) For all subdivisions between one-half ($1/2$) and two (2) acres in size:

(A) All of the requirements in subsection C7b(1) of this section.

(B) The drainage system of all subdivisions whose final plats are approved on or after March 1, 2009, shall be required to connect to an existing storm sewer. If an existing storm sewer is not adjacent to the subdivision, an offsite storm sewer shall be constructed.

(3) For all subdivisions two (2) acres or greater in size:

(A) Site runoff storage (detention) is required in accordance with this Code.

(B) The detention facilities shall be designed in accordance with the provisions of the DuPage County Countywide Stormwater and Floodplain Ordinance and shall incorporate BMPs in accordance with the recommendations found in appendix E of the DuPage County Countywide Stormwater and Floodplain Ordinance: water quality Best Management Practices technical guidance. This shall be in addition to the requirements of this subsection C7 and this Code. There shall be no fee in lieu of providing water quality BMPs for residential subdivisions of two (2) acres or greater requiring runoff storage.

- c. An alternative to providing water quality BMPs for other types of development, an owner or developer may pay a fee in lieu specified in the master fee schedule (ORD. 0-18-024, 7-19-2018). No fee in lieu of providing water quality BMPs shall be granted for developments other than those expressly provided for in subsections C7a and C7b of this section and subsection C7c.
- d. Variances from the requirements of subsections C7a and C7b of this section shall conform to the procedures and requirements of section [17.812](#) of this article, except that, prior to submitting the petition for variance to the Community Development Director, the City Engineer shall submit such to the DuPage County Stormwater Management Planning Committee for review and the making of recommendation. The recommendations of the DuPage County Stormwater Management Planning Committee shall be submitted for consideration by the Community Development Commission at the same time as the petition for variance is considered. No variance requesting the construction of swales as the sole means of accommodating stormwater runoff in either new developments or on teardown lots shall be granted unless the appropriate drainage structures and storm sewers are provided at the receiving end of the swales to collect the runoff. No variance for a fee in lieu of providing water quality BMPs shall be granted where runoff storage (detention) is required.

8. Best management practices are required in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-63, 15-64, and 15-65 as well as the following requirements.
- a. Postconstruction Best Management Practices: PCBMPs, a term that also includes VCBMPs, are required on site to treat stormwater runoff for pollutants of concern and reduce runoff volume for all developments with two thousand five hundred (2,500) square feet or more net new impervious area compared to predevelopment conditions, with the exceptions and exclusions noted below. Upon a documented finding by the City Engineer that providing either PCBMPs or VCBMPs on site is impractical, then a PCBMP fee in lieu shall be paid by the applicant in lieu of providing on site PCBMPs and VCBMPs.
 - (1) On site PCBMPs or VCBMPs are waived for the following developments in addition to those listed in the DuPage County Countywide Stormwater and Floodplain Ordinance:
 - (A) The development is limited to the resurfacing or reconstruction of an existing roadway or the replacement of an existing culvert or bridge that drains to an appropriately sized and functional PCBMP; or
 - (B) Linear utility developments. This exception does not include buildings, substations, pads, parking lots or other associated utility support facilities.
 - (2) DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-63.B prohibits on-site infiltration for certain types of projects. However, the City requires an equivalent PCBMP fee in lieu if specifically waived by the County:
 - b. Volume Control Best Management Practices Design Criteria: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-63, 15-64, and 15-65 as well as the following requirements:
 - (1) The required VCBMP volume shall be calculated as the product of the new impervious area and the rainfall depth generated from a 1.25-inch rainfall event occurring over a two (2) hour period. No abstractions are taken on the rainfall depth.
 - (A) The VCBMP shall be designed with sufficient volume to store the calculated volume.
 - (B) The preferred method of discharge from the VCBMP facility is through an infiltration or evapotranspiration facility. Where soils are inappropriate for infiltration, a means of positive conveyance, such as a perforated drain, may be used provided that the VCBMP does not draw down in less than forty-eight (48) hours. The underdrain may not be set with an invert below the midline of the trench or other excavation.

(C) A control structure or minimum four-inch (4") perforated drain shall be used where volumes are very small and conveyance designs become impractical to implement, even if that causes drawdown times to be less than forty-eight (48) hours.

(2) The design of the facility will be such that runoff from impervious surfaces is captured, with a preference for those impervious surfaces used by automobiles, if an element of the overall development.

c. Pollutants of Concern: PCBMPs are required on site to treat the identified pollutants of concern in runoff from newly constructed impervious surfaces in a development. Applicants shall identify the pollutants of concern that may be generated by the proposed development from the following list: total suspended solids (TSS), metals, oils, and nutrients consisting of nitrogen and phosphorous. Applicants shall design the combination of onsite VCBMPs and PCBMPs to store any required volume and treat the identified pollutants of concern. Proposed PCBMPs shall only be required to treat those pollutants identified and agreed to by the City Engineer.

d. VCBMPs Effective at Pollutant Removal: The following VCBMPs are considered to be effective at pollutant removal, provided that they are designed to also treat the pollutants of concern:

(1) Constructed wetlands, or

(2) Wet or wetland bottom site runoff storage basins, or

(3) Vegetated compensatory flood storage ponds, or

(4) Infiltration ponds or trenches, with vegetative surfaces, with or without an underdrain system.

(5) Vegetated swales with infiltration capability, with or without an underdrain system.

(6) Other VCBMPs that can be demonstrated to be effective at treating the pollutants of concern.

D. Site Runoff Storage Requirements (Detention):

1. Maximum site runoff storage requirements shall be consistent with the information, procedures, and requirements of the applicable Watershed Plans and Studies subsections G through J of this section, except as limited by the provisions of subsection D2 of this section.
2. If no release rate, or a greater release rate than identified below, is specified in the applicable Watershed Plans and Studies subsections G through J of this section, then sufficient storage shall be provided such that the probability of the post development release rate exceeding 0.1 cfs/acre of disturbed site area shall be less than one percent (1.0%) per year. Design runoff volumes shall be calculated using continuous simulation or event hydrograph methods.

3. If event hydrograph methods are used to calculate design runoff volumes, they must be either HEC-1 SCS runoff method with outlet routing option, TR-20 with outlet control routing option, or TR-55 tabular method. Events methods shall incorporate the following assumptions:
 - a. Antecedent moisture condition = 2; and
 - b. Huff or SCS type II rainfall distribution; and
 - c. Twenty-four (24) hour duration storm with a one percent (1%) probability of occurrence in any one year as specified by Illinois State Water Survey Bulletin 70 Northeast Sectional Rainfall Statistics, **as amended from time to time**.
4. If continuous simulation methods are used, design runoff volumes shall be calculated using the Wheaton National Oceanic and Atmospheric Administration rainfall record from 1949 to present.
5. For sites where the undeveloped release rate is less than the maximum release rate in subsection D2 of this section, the developed release rate and corresponding site runoff storage volume shall be based on the existing undeveloped release rate for the development site.
6. All hydrologic and hydraulic computations must be verified under the full range of expected downstream water surface elevations, from low flow through the base flood elevation.
7. Responsibility for maintenance of all storage facilities shall be designated on the plat of subdivision or other recorded documents.
8. Storage facilities shall be designed and constructed with the following characteristics:
 - a. Water surface depths two feet (2') above the base flood elevation will not damage the storage facility.
 - b. The storage facilities shall be accessible and easily maintained.
 - c. All outlet works shall function without human intervention or outside power and shall operate with minimum maintenance.
 - d. Storage facilities shall facilitate sedimentation and catchment of floating material.
 - e. Storage facilities shall minimize impacts of stormwater runoff on water quality by incorporating Best Management Practices.
 - f. Storage facilities shall provide an overflow structure and overflow path that can safely pass excess flows through the development site. The minimum design rate shall be 1.0 cfs/acre of **the entire upstream drainage** area tributary to the storage facility **without damaging any buildings on site or surrounding the site with overbank flooding and shall discharge at the same location as where water leaves the site pre-development. This location may be modified by the Public Works Director or City Engineer. This conveyance shall begin operation at the**

elevation at which the site runoff storage volume is met. If 100-acres or greater drains to the emergency overflow, then the overflow is part of the major drainage system and it also falls under the floodplain management requirements. A minimum of one-foot (1') freeboard shall be permitted around the detention basin above the design water level of the overflow structure.

- g. Wet detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use.
 - (1) Wet basins shall be at least three feet (3') deep, excluding near shore banks and safety ledges. If fish habitat is to be provided, they shall be at least ten feet (10') deep over twenty five percent (25%) of the bottom area to prevent winter freeze out.
 - (2) The permanent pool volume in a wet basin at normal depth shall be equal to the runoff volume from its watershed for a twenty-four (24) hour duration storm with a fifty percent (50%) probability of occurrence in any year.
 - (3) Wet basins shall be designed in a manner which will reduce as much as practicable nuisance problems such as algae. Aeration or other control methods may be required to minimize such nuisance problems.
 - h. The maximum stormwater storage depth in parking lots shall be not greater than six inches (6").
 - i. The shorelines of all detention basins at 100-year capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Shorelines shall not have a greater than four to one (4:1) horizontal to vertical slope. Shoreline protection shall be provided to prevent erosion from wave action.
 - j. The side of the banks of both wet and dry detention basins shall not have a horizontal to vertical slope steeper than four to one (4:1). Every retention or detention basin or other storage facility shall be constructed so that there is no encroachment of water at high water level upon adjacent lots or tracts.
 - k. All wet detention basins shall have a level safety ledge extending ten feet (10') into the basin from the shoreline and three feet (3') below the normal water depth. The ledge shall be pitched to the shoreline at four percent (4%).
 - l. Velocities throughout the drainage system shall be controlled to safe levels taking into consideration rates and depths of flow.
9. Developments with storage facilities that have off site flow tributary to the site either shall provide storage sufficient to accommodate runoff from the offsite tributary watershed and the site or shall store the site runoff and convey off site flow through the development while preserving the existing flow and storage of the site.

- F. Detention Variance Fee Program: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-97.
- G. Soil Erosion and Sediment ~~and Erosion~~ Control Requirements: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-58.
- H. Soil Erosion and Sediment ~~and Erosion~~ Control Plan Design Criteria:
 - 1. All items listed in Section 15-59 of the DuPage County Countywide Stormwater and Floodplain Ordinance shall apply.
 - 2. If the volume, velocity, sediment load, or peak flow rates of stormwater runoff are temporarily increased during construction, then properties and floodplain, floodway wetlands, and buffers special management areas downstream from such development sites shall be protected from erosion.
 - 3. The surface of stripped areas shall be permanently or temporarily protected from soil erosion within fifteen (15) days after final grade is reached. Stripped areas that will remain undisturbed for more than fifteen (15) days after initial disturbance shall be protected from erosion.
 - 4. All control measures necessary to meet the requirements of this article shall be kept operational and maintained continuously throughout the period of land disturbance until permanent sediment and erosion control measures are operational.
- I. Modifications to Drainage Tiles: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-77.

Sec. 17.806. Special Management Areas.  

- A. Special Management Areas shall generally refer to floodplain, floodway, wetlands, and buffers as defined and regulated herein as well as within the DuPage County Countywide Stormwater and Floodplain Ordinance.
- B. Requirements for Regulatory Floodplain and Regulatory Floodway Determination:
 - 1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-80.
 - 2. Any developer proposing development shall identify the boundaries and elevation of the regulatory floodplain and the boundaries of the regulatory floodway.
 - 3. The regulatory floodplain shall be determined by the highest base flood elevation for a development site at the time of application, or for purposes of establishing the low opening on new construction of buildings, as determined by the hierarchy established in the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-80.

4. If a floodway is not designated on the maps on file in the Office of the City Clerk, then the regulatory floodway shall be deemed to be the regulatory floodplain

C. Requirements for Development Within the Regulatory Floodplain:

1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-81 as well as the following requirements.
2. Development shall preserve effective floodway conveyance such that there will be no increases in flood elevations, flows, or floodway velocity, unless any such increases are contained in a public flood easement and a watershed benefit is provided.
3. All usable space in new buildings, added to existing buildings, or in existing buildings in the floodplain undergoing substantial improvement shall be elevated to at least one foot (1') above the base flood elevation.
4. **Compensatory storage:**
 - a. Compensatory storage shall be operational prior to placement of fill, structures, or other materials in the regulatory floodplain.
 - b. Any removal, replacement, or modification of stormwater facilities that has an existing hydraulic impact shall provide a watershed benefit and shall require compensatory storage to mitigate for any potential increases in flow or flood elevations. All structures and their associated low entry elevations within the created backwater of the existing stormwater facility shall be identified.
5. **Building Protection Standards:**
 - a. Existing structures shall not be enlarged, replaced, or structurally altered unless the changes meet the requirements for development. If the changes constitute substantial improvement to a building in the floodplain, then the entire building shall meet the requirements for development.
 - b. Existing structures may be floodproofed. Floodproofing devices shall meet the requirements for development in the floodplain and be operational without human intervention. If electricity is required, then there must be a backup power source that will activate without human intervention. The floodproofing shall be certified by a professional engineer.
 - c. New structures other than buildings shall either be elevated to at least one foot (1') above the base flood elevation or designed for protection against physical flood damages. Floodproofing devices shall be operational without human intervention. If electricity is required for protection against flood damage, then there must be a backup power source that will activate without human intervention. The floodproofing shall be certified by a professional engineer.
 - d. When a structure is elevated by some means other than filling in the regulatory floodplain:

- i. The usable space of any building and all electrical, heating, ventilating, plumbing, and air conditioning equipment shall be located at least one foot (1') above the highest base flood elevation; and
 - ii. All materials and structures less than one foot (1') above the base flood elevation shall be resistant to flood damage.
 - 6. Additional requirements for manufactured homes:
 - a. Adequate access and drainage shall be provided;
 - b. If pilings are used for elevation, applicable design and construction standards for pilings shall be met.
 - 7. A copy of an application for a CLOMR, CLOMA, LOMA, or LOMR including all the required information, calculations, and documents shall be submitted to the department concurrent with the application to FEMA or OWR or its designee.
 - 8. No filling, grading, dredging, or excavating shall take place until a CLOMR is issued by FEMA.
 - 9. Any fill required to elevate a building must extend at least ten feet (10') beyond the foundation before the grade slopes below the highest base flood elevation.
 - 10. The release rate from new or modified storm sewer outfalls shall meet the requirements of subsection 17.805D of this article, or demonstrate compliance with this section.
 - 11. Hydrologic and hydraulic impacts of developments located in the regulatory floodway shall be evaluated using the applicable regulatory model and confirmed using watershed plan models, if available, or models meeting the plan standards for watershed planning or as directed by the City Engineer. The hydrologic and hydraulic impacts of development shall be evaluated using events representing the frequency range from fifty percent (50%) (2-year) to one percent (1%) (100-year) probability of being equaled or exceeded in a given year. The results of any such evaluation shall be submitted to the department.
 - 12. Any proposed development in the regulatory floodway shall evaluate the hydrologic and hydraulic impacts for existing and future impacts of the proposed development on the waterway.
- D. Requirements for Wetland Delineation:
- 1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-85 as well as the following requirements.
 - 2. Any developer proposing development in or near mapped wetland areas shall identify the boundaries, extent, hydrology, function and quality of all wetland areas on the subject property. The presence and extent of wetland areas on the subject property shall be determined as the result of an onsite wetland procedure and verified by an environmental scientist representing the community where the wetland is located. This procedure shall

be conducted in accordance with the current federal wetland determination methodology authorized under section 404 of the Clean Water Act.

3. Critical wetland status shall be assigned to those wetlands that have been determined to satisfy one or more of the criteria in the DuPage County Countywide Stormwater and Floodplain Ordinance or one the following:

- a. The ratio of stormwater storage volume available at the base flood elevation to tributary basin runoff volume to the wetland is twenty five percent (25%) or greater, or alternatively using a method described in subsection 17.805D of this article, the loss of wetland storage causes adverse off site impacts that cannot be mitigated in accordance with subsection 17.805C of this article and subsection C of this section. If both methods are performed, the methods described in subsection 17.805D of this article shall prevail as the determining value; or
- b. The existing release rate from the wetland is 0.1 cfs/acre or less and determined using the method described in subsection 17.805D3 of this article.

4. All other wetlands not meeting one or more critical wetland criteria shall be assigned a regulatory wetland status. The final determination of status shall be made by the City Engineer based upon a review of submitted information and when necessary, upon consultation with outside wetland authorities.

E. Requirements for Development Affecting the Function and Values of Wetlands: Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-86.

F. Direct and Indirect Impacts to Wetlands:

1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-87 as well as the following requirements.
2. Development will be permitted only when the proposed direct environmental impacts to on site wetlands, and indirect environmental impacts to offsite wetlands, can be sufficiently evaluated, minimized, and mitigated, as specified in this subsection E.
3. Mitigated wetlands shall be designed to duplicate or improve the hydrologic, biologic, and economic features of the original wetland. The City Engineer may require a greater compensation ratio where special wetland functions are threatened.
4. Creation of wetlands for the mitigation of development impacts within or affecting a critical or regulatory wetland may take place only within areas not currently comprised of wetlands.
5. Mitigation of impacts within or affecting critical and regulatory wetlands shall include design, construction, and continued maintenance of the mitigation measures.
6. The City Engineer, at his or her discretion, may allow an existing wetland contiguous to a proposed regulatory wetland mitigation site to be enhanced in exchange for a partial reduction in the mitigation area required. In no case shall the area replacement be allowed to fall below a one to one (1:1) ratio.

Commented [DL2]: City Staff:

County language appears to be more open to 'demonstrating impacts and moving forward with wetland modifications' rather than stating they are 'prohibiting modifications unless' per previous City language. Let us know if you want to add back previous City language to be more stringent.

7. Development in or affecting a wetland environment shall be initiated only after a mitigation plan has been approved and adequate securities are provided as specified in section [17.809](#) of this article.
8. The designs and analyses of all wetland mitigation measures shall meet the standards of the plan and shall comply with all applicable Federal, State, and local regulations regarding wetland impact and mitigation.
9. The City Engineer shall require that the developer or owner provide the City with periodic monitoring reports, **at least annually**, on the status of the constructed mitigation measures **and progress towards meeting the approved performance standards**, and further may require the developer or owner to undertake remedial action to bring the area into compliance with the mitigation plan.
10. To the extent practicable, development within fifty feet (50') of a wetland shall not, without mitigation:
 - a. Adversely change the quantity, quality, or temporal and areal distribution of flows entering any adjacent wetlands or waters; nor
 - b. Destroy or damage vegetation that stabilizes wetland fringe areas or provides overland flow filtration to wetlands; nor
 - c. Adversely affect any groundwater infiltration functions.

G. Wetland Banking:

1. **Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-89 as well as the following requirement.**
2. If a wetland meets all the conditions for mitigation in a Wetland Banking Program and there is not a Wetland Banking Program in the watershed planning area, mitigation outside the watershed planning area is permitted provided the following conditions are met:
 - a. Mitigation is to be provided in the closest Wetland Banking Program with the greatest wetland deficit. If there are no watershed planning areas with a wetland deficit, then the mitigation shall take place in the closest Wetland Banking Program. The Wetland Banking Program shall be determined by measuring from the centroid of wetland disturbance to the closest appropriate watershed planning boundary.
 - b. The area of mitigation available within a Wetland Banking Program available in any Wetland Banking Program for mitigation from outside the watershed planning area shall not exceed fifteen percent (15%) of the original bank area.

H. Riparian Buffer Requirements:

1. **Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-92 as well as the following requirements:**

2. Riparian buffers serve the following functions:
 - a. Prevents erosion and promotes bank stability of streams, lakes, ponds, or wetland shorelines.
 - b. Controls sediment from upland areas thus reducing the impact of urbanization on stream habitat and water quality by filtering and assimilating nutrients discharged from surrounding uplands.
 - c. Insulates and moderates daily and seasonal stream temperature fluctuations by maintaining cooler instream temperatures for areas with overhang vegetation.
 - d. Serves as important sites for denitrification, which reduces development of algal blooms and subsequent depressed levels of dissolved oxygen in stream.
 - e. Provides an effective mechanism for treatment of contaminated surface runoff.
 - f. Provides habitat corridors for both aquatic and terrestrial fauna and flora.
 - g. Provides recreational and aesthetics values for human use.
3. Any developer proposing development in a riparian buffer shall identify the boundaries by using the first of the following documents or procedures pertaining at the time of development:
 - a. Riparian buffers identified in watershed plans.
 - b. Riparian buffers identified in interim watershed plans.
 - c. Vegetative areas along waterways within the limits of the regulatory floodplain. If there is no floodplain designated, either by FEMA or IDNR, then the riparian buffer shall extend a minimum of seventy five feet (75') from the ordinary high water level of the water body or delineated wetland, unless property boundaries limitations exist, or it can otherwise be demonstrated that a lesser width is sufficient; but in no case shall a buffer be less than fifteen feet (15') in width.
4. Tree cutting and vegetation removal shall be minimized within riparian buffers, and revegetation of disturbed areas shall take place as soon as possible.
5. Development in a riparian buffer shall be initiated only in accordance with the requirements of this subsection G and the standards of the plan and upon consultation with the technical guidance for the DuPage countywide stormwater and floodplain ordinance for the plan.
6. To the extent practicable, development in a riparian buffer shall not, without mitigation:
 - a. Adversely change the quantity, quality, or temporal and areal distribution of flows entering any adjacent critical wetlands or waters; nor

- b. Destroy or damage vegetation that overhangs, stabilizes, provides overland flow filtration, or shades stream channels, wetlands, or impoundments that normally contain water; nor
- c. Adversely affect any groundwater infiltration functions.

I. Development Affecting a Buffer

- 1. Refer to the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-94 as well as the following requirements:
- 2. The length of any mitigated channel shall be equal to or greater than the length of the disturbed channel.
- 3. Mitigation in riparian buffers shall be in accordance with the procedures specified in the plan.
- 4. Mitigation measures in riparian buffers shall include required provisions for long term maintenance. (Ord. O-17-025, 11-16-2017)

Sec. 17.807. Stormwater Management Permits.  

A. All permit requirements shall apply as outline in the DuPage County Countywide Stormwater and Floodplain Ordinance Article IV as well as the following requirements.

B. General Requirements:

- 1. All stormwater management permit review fees shall be paid at the time of application.
- 2. All submittals that include the design of stormwater facilities, calculations for the determination of the regulatory floodplain, or calculations of the impacts of development shall meet the standards of the plan and shall be prepared, signed, and sealed by a professional engineer. Such professional engineer shall provide a statement rendering an opinion that the technical submittal and development meets the minimum criteria for stormwater management required by the plan and this article.
- 3. Any structure subject to a differential water pressure head of greater than three feet (3') shall be prepared, signed, and sealed by a structural engineer.
- 4. Any proposed development shall secure all appropriate stormwater management related approvals, including, without limitation, an OWR dam safety permit if required, and other appropriate federal, state, and regional approvals prior to the issuance of a stormwater management permit.
- 5. All development undertaken by a unit of local government in the regulatory floodplain where no regulatory floodway has been designated shall obtain a permit from OWR or its designee prior to issuance of a stormwater management permit.

6. Any and all proposed development not in a special management area shall be reviewed under the supervision of a professional engineer meeting the requirements in this article.
7. Any and all proposed development within the regulatory floodplain shall be reviewed under the supervision of a professional engineer meeting the requirements set forth in this article and, in the case of floodway development, certified by a professional engineer that the proposed development meets the minimum requirements of this article.
8. Any and all proposed development in or **within 100'** of a wetland shall be reviewed under the supervision of an environmental scientist meeting the requirements in this article and certified by that environmental scientist that the proposed development meets the minimum requirement of the countywide ordinance.

C. Applicability; Required Submittals:

1. Stormwater Management Permit Required: A stormwater management permit shall be required if:
 - a. The development involves floodplain, wetlands or buffers; and
 - b. The development does not add more than two thousand five hundred (2,500) square feet of net new impervious area compared to the predevelopment conditions. Impervious area is land cover that is nonporous asphalt or asphalt sealants, nonporous concrete, roofing materials except planted rooftops designed to reduce runoff, and gravel surfaces used as roadways or parking lots. Graveled surfaces used for storage of materials may be counted only sixty percent (60%) impervious provided aggregate gradation has a high porosity. Pondered water shall be considered impervious area (at its normal water elevation), but vegetated wetlands or constructed wetland basins shall not be considered impervious area. The impervious area of a development site predevelopment is the maximum extent of the impervious surfaces that existed on the development site at the same time in any of the three (3) years predating the date of the application.
 - c. The redevelopment disturbs more than five thousand (5,000) square feet of ground cover, unless the development solely involves one or more of the following:
 - (1) Cultivation, conservation measures, or gardening; or
 - (2) Installation, renovation, or replacement of a septic system, potable water service line, or other utility to serve an existing structure; or
 - (3) Excavation or removal of vegetation in rights of way or public utility easements for the purpose of installing or maintaining utilities; or
 - (4) Maintenance, repair, or at grade replacement of existing lawn areas not otherwise requiring a stormwater permit under this article.
2. Additional Submittal Requirements: In addition to the application requirements, **additional submittals shall be required per Subsections E through J of this section.**

3. Letters of Permission shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-31.
 4. General Certifications shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-32.
 5. Special Cases of Development: Special cases of development shall have differing submittal or, technical standards than other developments, as summarized in Table 1 of the DuPage County Countywide Stormwater and Floodplain Ordinance.
- D. Stormwater Management Permit Application: The stormwater management permit application shall include those items required by Section 15-47 of the DuPage County Countywide Stormwater and Floodplain Ordinance as well as the following:
1. A general narrative description of the development, including submittals required pursuant to subsection C2 of this section; and
 2. Proof of ownership or current contract to purchase or lease the subject property; and
 3. Signature of the applicant or the applicant's agent:
 - a. If the applicant is a corporation, the president or other authorized officer shall sign the application form;
 - b. If the applicant is a partnership, each partner shall sign the application form;
 - c. If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein;
 4. A statement of opinion by a qualified professional either denying or acknowledging the presence of floodplain, floodway, wetlands, and buffers special management areas on the development site, and the appropriate submittals if the statement acknowledges the presence of floodplain, floodway, wetlands, and buffers special management areas; and
 5. Copies of other permits or permit applications as required; and
 6. A stormwater submittal; and
 7. A floodplain submittal, if development is proposed in a floodplain; and
 8. A wetland submittal, if development is proposed in a wetland; and
 9. A riparian buffer submittal, if development is proposed in a riparian buffer; and
 10. An engineer's estimate of the construction cost of the stormwater facilities.
- E. The Stormwater Submittal shall include those items required by Section 15-47 of the DuPage County Countywide Stormwater and Floodplain Ordinance as well as the following requirements:

1. Stormwater submittal:
 - a. A site stormwater plan;
 - b. Site runoff calculations;
 - c. Site runoff storage calculations **and post development discharges** if site runoff storage is required;
 - d. Information describing off site conditions;
 - e. A sediment and erosion control plan;
 - f. Description on how Best Management Practices are incorporated in the development.

2. The site stormwater plan shall include:
 - a. A site topographic map depicting both existing and proposed contours of the entire site to be disturbed during the development and all areas one hundred feet (100') beyond the site or as required by the City Engineer at a scale of at least one inch equals one hundred feet (1" = 100') or less (e.g., 1 inch to 50 feet), with a minimum contour interval of one foot (1') with accuracy equal to 0.5 foot of elevation;
 - b. A plan view drawing of all existing and proposed stormwater facilities features, at the same scale as the site topographic map, including all of the following:
 - (1) Boundaries for watersheds tributary to all significant stormwater facilities (i.e., channels, bridges, inlets, etc.), along with the location of such facilities;
 - (2) Major and minor stormwater systems (i.e., stormwater pipes, culverts, inlets, and storage and infiltration facilities, and flooding limits under base flood conditions for the major stormwater system);
 - (3) **An exhibit at standard engineering scale showing existing and proposed roadways, structures, parking lots, driveways, sidewalks, and other impervious surfaces; and**
 - (4) The nearest base flood elevations;
 - c. Design details for all proposed stormwater facilities (i.e., major and minor stormwater systems, storage basins, and outlet works, etc.); and
 - d. A scheduled maintenance program for the stormwater facilities, including:
 - (1) Planned maintenance tasks;

- (2) Identification of the person or persons responsible for performing the maintenance tasks as required by subsection [17.809H](#) of this article; and
 - (3) A description of the permanent public access maintenance easements granted or dedicated to, and accepted by, a governmental entity; and
 - e. A schedule of implementation of the site stormwater plan.
 - f. Upon completion of development, record drawings of the site stormwater plan shall be submitted to the City Engineer. Such drawings shall be prepared, signed, and sealed by a land surveyor or professional engineer. Record drawings shall include the as-constructed size, rim, and invert elevations of pipes, stormwater structures and culverts, contours, calculations showing the "as built" volume of compensatory and site runoff storage. Record drawings are required for all developments that construct stormwater facilities, or include a wetland, buffer, and/or floodplain onsite.
3. The site runoff calculations shall include:
- a. Profile drawings of the major and minor stormwater systems, including cross section data for open channels, showing the hydraulic grade line and water surface elevation under the design and base flood condition; and
 - b. Documentation identifying the procedures, assumptions, and data used to calculate hydrologic and hydraulic conditions for sizing both major and minor stormwater systems.
4. The site runoff storage calculations shall include:
- a. Documentation identifying the procedures, assumptions, and data used to calculate hydrologic and hydraulic conditions and to determine the allowable release rate and related storage volume; and
 - b. Elevation area storage and elevation discharge data for storage systems.
5. Information describing the offsite conditions shall include sufficient information to allow evaluation of offsite impacts to and resulting from the proposed development. Such information shall include:
- a. A vicinity topographic map covering the entire upstream watershed that drains to or through the site and the entire watershed downstream to the point of known or assumed discharge and water surface elevation; and
 - b. A plan view drawing of existing and proposed stormwater facilities, at the same scale as the vicinity topographic map, including:
 - (1) Watershed boundaries for areas draining through or from the development;
 - (2) The location of the development within the watershed planning area; and

- (3) Soil types, vegetation, and land cover conditions affecting runoff upstream of the development site for any area draining through or to the site.
6. The sediment and erosion control plan shall conform with the requirements of subsection [17.805H](#) of this article. The sediment and erosion control plan shall include:
- a. A plan and schedule for construction, including site clearing and grading, placement and maintenance of soil stabilization controls, and sediment trapping facilities;
 - b. A description of the development, including existing site land cover and hydrologic conditions, adjacent areas, soil types, permanent and temporary sediment and erosion control measures, maintenance requirements, and calculations;
 - c. Plan view drawings or existing and proposed site conditions, at the same scale as the site stormwater plan, including:
 - (1) Existing contours with drainage patterns and watershed boundaries;
 - (2) Soil types, vegetation, and land cover conditions;
 - (3) Limits of clearing and grading plans, **specifically the extent of area to be disturbed during the construction of the development;**
 - (4) Final contours with locations of drainageways and sediment and erosion control measures;
 - d. Design details for proposed sediment and erosion control facilities;
 - e. A copy of the written opinion, when applicable, of the Soil and Water Conservation District required under 70 Illinois Compiled Statutes 405/22.02 (1992);
 - f. Evidence that the sediment and erosion control installation and maintenance requirements, including both a list of maintenance tasks and a performance schedule, are identified and required in the plan specifications;
 - g. Information describing how Best Management Practices are incorporated into the site design. Such information shall include:
 - (1) A description of Best Management Practices that are incorporated into the site design and how they will function. Include applicable design criteria such as soil type, vegetation, and land cover conditions draining to the Best Management Practice along with appropriate calculations; and
 - (2) A description of the maintenance requirements.

7. A statement from the Applicant acknowledging that all stormwater submittals shall be made available for inspection and copying by the County, notwithstanding any exemption from inspection and copying for such materials under the Illinois Freedom of Information Act, upon the written request of either: i) the Applicant ii) any subsequent owner of the subject property; or iii) any governmental unit having planning or drainage jurisdiction within 1 and 1/2 mile of the subject property.
- F. Post Construction Best Management Practice Submittal: The postconstruction best management practice (PCBMP) submittal shall include those items outlined in Section 15-49 of the DuPage County Countywide Stormwater and Floodplain Ordinance.
 - G. Floodplain Submittal: The floodplain submittal shall include those items outlined in Section 15-51 of the DuPage County Countywide Stormwater and Floodplain Ordinance.
 - H. Wetland and Buffer Impact Submittal: The wetland submittal shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-48 as well as the following requirements, unless the director concludes otherwise:
 1. A characterization of the wetlands as either critical or regulatory;
 2. A mitigation plan meeting the requirements of subsection [17.806E](#) of this article; and
 3. A plan for the continued management, operation, and maintenance of the mitigation measures, including the designation of the person or persons responsible for long term operation and maintenance and dedicated funding sources.
 - I. Riparian Buffer Submittal: The riparian buffer submittal shall include:
 1. An inventory of the functions of the riparian buffers consistent with the requirements for riparian buffers delineation provided in subsection [17.806H3](#) of this article.
 2. A mitigation plan meeting the requirements of subsection [17.806H](#) of this article.
 3. A plan for continued management, operation, and maintenance of the mitigation measures, including designation of the person or persons responsible for long term operation management and dedicated funding sources.
 - J. Soil Erosion and Sediment Control Submittal Requirements: Soil Erosion and Sediment Control submittals shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-50.
 - K. Permit Fees:
 1. The fees for review, issuance and inspection of the stormwater management permit and the approved development shall be as follows:
 - a. Deposit for review and issuance: In connection with all applications, the applicant shall deposit an amount specified in the master fee schedule.

- b. Deposit for inspection: In connection with the applications, the applicant shall deposit an amount specified in the master fee schedule. (Ord. O-18-026, 7-19-2018)
- 2. Payments shall be made from the funds deposited to pay the City treasury for the costs of City services for the review of the document, issuance of the permit, and inspection of installation of the stormwater facilities based on time spent by staff multiplied by the employees' actual hourly rate or consultants' hourly rate, as the case may be. Additional charges will be added to offset overhead, burden expense, and the professional fees, if any, of consultants. In the event the money on deposit is exhausted by such charges, at its discretion the City may require additional monies to be deposited.
- 3. An additional charge of twenty five percent (25%) of City staff charges will be assessed for City administrative and executive services.
- 4. Any fee-in-lieu that is part of the conditions for issuance must be paid prior to issuance of the permit.

L. Duration and Revision to Permit:

- 1. Permits expire December 31 of the third year following the date of permit issuance.
- 2. If the permitted activity has been started but is not completed by the expiration date of the permit, and the permittee intends to pursue the permitted activity, then the permittee may submit a written request that the expiration date be extended. Upon receipt of such request, the director of community development may extend the expiration date in maximum increments of three (3) years for permitted activities outside floodplain, floodway, wetlands, and buffers special management areas. Expiration dates for permitted activities in floodplain, floodway wetlands, and buffers special management areas may be extended in maximum three (3) year increments provided the activity is in compliance with the then current requirements of this article.
- 3. If, after permit issuance the permittee decides to revise the approved plans, the permittee shall submit revised plans to the City Engineer along with a written request for approval. If the City Engineer determines that the revised plans are in compliance with the then current requirements of this article, an approval of the revised plans will be issued. (Ord. O-12-034, 10-4-2012)

Sec. 17.808. Prohibited Acts.  

- A. Prohibited acts are indicated in the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-102.

Sec. 17.809. Performance Security.  

- A. Performance Securities are required in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-54 as well as the following requirements.
- B. The developer shall bear the full cost of securing and maintaining all securities required.

C. Development Security:

1. The Development Security shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-54.B as well as the following requirements.
2. An irrevocable letter of credit, or such other adequate security as the Development Administrator may approve, in an amount specified in the master fee schedule of the estimated probable cost to complete the construction of any stormwater facilities required by the stormwater management permit, which estimated probable cost shall be approved by the Director of Community Development; (Ord. O-18-026, 7-19-2018)
3. The security shall be extended to a period not to exceed five (5) years after completion of construction of all stormwater facilities required by the permit if the development involves wetland mitigation.

E. Sediment and Erosion Control Security:

1. The Sediment and Erosion Control Security shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-54.C as well as the following requirements:
2. If a sediment and erosion control plan is required pursuant to this article, then a sediment and erosion control security shall be required. Such a security shall include:
 - a. A schedule, agreed upon by the developer and the director of community development, for the installation, maintenance, and ultimate removal of sediment and erosion control measures;
 - b. An irrevocable letter of credit, or such other adequate security as the Development Administrator shall approve, in an amount specified in the master fee schedule of the estimated probable cost to install and maintain the sediment and erosion control measures, which estimated probable cost shall be approved by the Development Administrator; and (Ord. O-18-026, 7-19-2018); and
 - c. A statement signed by the applicant that the applicant shall indemnify the City for any additional costs incurred attributable to concurrent activities of or conflicts between the applicant's contractor and the City's remedial contractor at the site.
3. The sediment and erosion control security shall not be released until after the developer files the Notice of Termination (NOT) to IEPA, if applicable.

F. Natural Area Restoration, Wetland and Buffer Mitigation Area Security

1. The Natural Area Restoration, Wetland and Buffer Mitigation Area Security shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-54.D as well as the following requirement:
2. An irrevocable letter of credit, or such other adequate security as the Development Administrator shall approve, in an amount specified in the master fee schedule of the estimated probable cost to install and maintain the sediment and erosion control

Commented [DL3]: City Staff: FYI.
This is added to assist enforcement of IEPA MS4 duties.

Commented [DL4]: City Staff: FYI
This is new in the County Ord. We added language to City Ord to allow use of the City's schedule of fees rather than County rates.

measures, which estimated probable cost shall be approved by the Development Administrator.

G. Letter of Credit:

1. The Letter of Credit shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-54.E as well as the following requirement:
2. Letters of credit posted pursuant to this Code shall be in a form satisfactory to the City Attorney.

H. Long Term Access and Maintenance:

1. Long Term Access and Maintenance shall be provided in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-55 as well as the following requirements:
2. Included in the dedication shall be a plan for continued management, operation, and maintenance of the stormwater facility, including designation of the person or persons responsible for long term operational management and dedicated funding sources.
3. If title to the land underlying site runoff storage areas with access and maintenance areas and stormwater facilities is conveyed by agreement to lots in the subdivision, then:
 - a. Subdivision property owners **shall** establish a property owner's association;
 - b. The proposed property owners' association bylaws and declaration shall provide for a long-term maintenance agreement establishing:
 - (1) Title to the site runoff storage areas and stormwater facilities to assure that each lot owner is responsible for a share of the cost of maintenance;
 - (2) Payment of real estate Property Taxes for such areas to assure that site runoff storage areas and stormwater facilities are not sold to satisfy delinquent taxes; and
 - (3) Methods of perpetual maintenance, to assure that the standards of the plan for the site runoff storage areas and stormwater facilities are met. Maintenance methods shall be approved by the City Engineer.
4. If title to the land underlying the site runoff storage areas with access and maintenance areas and stormwater facilities is conveyed by the plat to a public entity, then:
 - a. The face of the plat shall provide, if necessary, that an easement for public access for construction and maintenance purposes is reserved to the public entity; and
 - b. The public entity shall accept the dedication of the site runoff storage areas and stormwater facilities and provide for their maintenance, including capital expenses for repair and replacement.

5. If title to the land underlying the site runoff storage areas and stormwater facilities is conveyed by the plat to the owner of the land, the face of the plat shall then:
 - a. Provide an easement for access, inspection, and maintenance purposes reserved to the City over the stormwater management plan for the area in which the property is located; and
 - b. The applicant shall record a covenant against title stating that in the event the governmental unit having easement rights exercises its right to perform maintenance to site runoff storage facilities and storm sewers on that property, that governmental unit may lien the property for the costs of any maintenance work performed.
 - c. Provide the maintenance responsibilities including the schedule of perpetual maintenance, repair and replacement; and
 - d. Stipulate an agreed right of the governmental unit having local jurisdiction over the stormwater management plan for the area in which the property is located to come onto the property upon thirty (30) days' written notice to correct any condition which causes the site runoff storage area not to function as hydraulically and hydrologically planned, and to demand payment for such costs or to place a lien against the property for the value of those costs. (Ord. O-17-025, 11-16-2017)

6. All access and maintenance rights granted shall run with the land and survive title transfers.

Sec. 17.810. Enforcement and Penalties.  

- A. Enforcement and penalties shall be as indicated in the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-103 and 15-105 as well as the following requirements.
- B. Required Inspections shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-20.
- C. Notice of Violations:
 1. Notice of Violations shall be issued by the Development Administrator and be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-104 as well as the following requirements.
 2. Mailed notices shall be by certified mail, return receipt requested to the person, firm, or corporation responsible for the unlawful act or omission or condition.
 3. The Notice of Violation shall state the nature of the alleged violation and shall fix a date not less than ten (10) days after the date of the notice when the parcel or development will be reinspected. If the condition is not corrected upon reinspection, then, in addition to other remedies, the proper authorities of the City may institute any appropriate action or proceedings in the Circuit Court to restrain, correct, or abate such violation.

D. Revocation of Permits shall be performed by the Development Administrator and be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-107.

E. Stop Work Order:

1. All stop work orders shall be issued by the Development Administrator and shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-108 as well as the following requirements.
2. In addition to posting the stop work order, it shall also be delivered by certified mail, return receipt requested, the permit holder and to the owner, or adult resident, occupant, leaser, manager, or maintainer of the property or his or her agent, the person, firm, or corporation responsible for the unlawful act or omission or condition which forms the basis for the violation.
3. The stop work order shall state the conditions under which the subject development may be resumed.

F. Fines:

1. All fines shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-109 as well as the following requirements.
2. The minimum fine shall be two hundred dollars (\$200.00) and the maximum fine shall be seven hundred fifty dollars (\$750.00) for each offense.

G. Additional Remedies For Special Flood Hazard Areas shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Section 15-110, as well as Section 15-111 for Legal And Equitable Relief and Section 15-112 for Injunctive Relief..

Sec. 17.811. Appeals.

- A. Appeals to this Ordinance shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-114 as well as the following requirements.
- B. Any person directly aggrieved by any decision, order, requirement, or determination of the City Engineer made pursuant to an interpretation of this article shall have the right to appeal such action directly to the Community Development Commission in accordance with this article; provided, however, that all decisions made by the City Engineer pursuant to section [17.810](#) of this article shall be deemed final and not appealable, except as otherwise specifically provided this article.
- C. Public hearings shall commence not fewer than fifteen (15) days nor more than thirty (30) days after the date of publication of a properly prepared notice of appeal.

Sec. 17.812. Variances.

Commented [DL5]: City Staff:
County maximum fine is \$1,000. Can the City assess a higher fine at this time?

Commented [DL6]: City Staff:
County allows 60 days; do you want to modify to provide more flexibility with processing?

- A. Variance procedures shall be in accordance with the DuPage County Countywide Stormwater and Floodplain Ordinance Article XVI (Sections 15-117 thru 15-119) as well as the following requirements.
- B. Variance petitions filed shall also include proof of ownership or current contract to purchase or lease the subject property.
- C. Variance petitions shall be filed with the Development Administrator who shall forward a copy thereof to the City Engineer.
- D. When a variance from the requirements of this article would lessen the degree of protection to a structure, the City Engineer shall notify the applicant that the variance, if granted, may result in increased rates for flood insurance.

Sec. 17.813. Miscellaneous Provisions.  

- A. Public Hearings: When the provisions of this article require a public hearing, such process shall comply with the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-139.
- B. Severability: The severability provisions shall apply per the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-140.
- C. Most Restrictive Provisions Apply: Interpretations shall be made per the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-141.
- D. Amendments: The amendment provisions shall apply per the DuPage County Countywide Stormwater and Floodplain Ordinance Sections 15-142.
- E. Additional references: All tables, appendices, flow charts, exhibits, and schedules in the DuPage County Countywide Stormwater and Floodplain Ordinance are incorporated herein.
- F. Effective Date: This Ordinance shall take effect for all purposes, and its effective date shall be, July 18, 2019.

Commented [DL7]: City Staff:
Please confirm/update.



REQUEST FOR COMMITTEE ACTION

Referred to Committee: July 11, 2019
Subject: 2019 Street Sufficiency Study
Staff Contact: Alan Lange, Assistant Public Works Director
Department: Public Works

TITLE: Approval of an Agreement between the City of Wood Dale and Baxter & Woodman, Inc. for the 2019 Street Sufficiency Study in an Amount Not to Exceed \$29,810

RECOMMENDATION:

Staff recommends approval of an agreement between the City of Wood Dale and Baxter & Woodman, Inc. for the 2019 Street Sufficiency Study in an amount not to exceed \$29,810.

BACKGROUND:

Each year as part of the Capital Improvement Plan the City budgets for repairs and rehabilitation to the roadway network under its jurisdiction. On a five year basis the City has contracted with an engineering firm to conduct a Street Sufficiency Study in order to assess the condition of its street segments and prepare a maintenance and rehabilitation schedule in accordance with the City's budget. The last study was completed in 2015. The City received five proposals for a new street sufficiency study. These documents as well as the City's RFP, addendum, fee comparison, and draft agreement between the City and Baxter & Woodman, Inc. can be viewed at: <https://www.dropbox.com/sh/y6cbbdzksbg958z/AAB6aXa2BDRuNoT6j5gLNYYua?dl=0>.

ANALYSIS:

The City has budgeted \$40,000 in fiscal year 2020 to conduct a new street sufficiency study. The City received five proposals from previously qualified firms. Three of the five proposals were under the budgeted amount. After reviewing the proposals the RFP Steering Committee determined Baxter & Woodman to be the most complete proposal. The firm has previously conducted several studies for the City including the 2010 Street Sufficiency Study, a Citywide Drainage Study, a Water Main Break History Study, as

well as developing and hosting the City's Geographic Information System. The firm will incorporate this data along with new citywide pavement evaluations to help the City develop a five year pavement improvement plan while taking into account future improvements to other City infrastructure. This will also allow seamless integration of roadway network into the City's GIS data to successfully monitor roadway conditions and track repair work.

DOCUMENTS ATTACHED

None



REQUEST FOR COMMITTEE ACTION

Referred to Committee: July 11, 2019
Subject: FY 2020 Hiawatha Sewer Repair Agreement
Staff Contact: Brett Garelli, Assistant Public Works Director
Department: Public Works

TITLE: Approval of an Agreement between the City of Wood Dale and John Neri Construction Co., Inc. for the FY 2020 Hiawatha Sewer Repair in a Not to Exceed Amount of \$23,800

RECOMMENDATION:

Staff recommendation for Approval of an Agreement Between the City of Wood Dale and John Neri Construction Co., Inc. for the FY 2020 Hiawatha Sewer Repair in a Not to Exceed Amount of \$23,800.

BACKGROUND:

The City of Wood Dale Staff attempts to be proactive in televising our sanitary collection system to identify structural problems before they cause problems. Major structural issues were identified over a forty foot section of eight inch sewer in front of 378 Hiawatha. Pictures are attached to show the issues.

ANALYSIS:

Significant savings were realized by the City of Wood Dale on the recent Irving Park Road sewer repair by utilizing a Time and Material (T&M) basis instead of a lump sum basis. Due to the number of unknowns typical on emergency repairs, a T&M basis for payment is highly recommended. It is better for both parties and nearly always results in cost savings as was the case on the Irving Park Road Repair. It is our understanding that the Hiawatha piping involved contains asbestos. Consequently, John Neri Construction will subcontract the pipe removal and disposal to a licensed environmental contractor. The piping that is starting to collapse is a discharge point to a force main so we will expedite should the Council approve these repairs. The City plans to perform the bypass pumping and site restoration to minimize the costs.

DOCUMENTS ATTACHED

- ✓ John Neri Construction Co., Inc. Proposal
- ✓ Pictures



JOHN NERI CONSTRUCTION CO., INC.

Sewer & Water Contractors

770 Factory Road *Addison, IL 60101

Tel: 630 629-8384* Fax: 630 629-7001

www.johnnericonstruction.com

June 25, 2019

Mr. Brett Garelli
City of Wood Dale
268 W. Irving Park Rd.
Wood Dale, IL 60191

Re: Quote for sanitary sewer repair
378 Hiawatha

Dear Mr. Garelli;

We, the JOHN NERI CONSTRUCTION CO. propose to excavate and replace approximately 40' of 8" sanitary sewer reconnect sanitary services encountered at an estimated cost of **\$23,800.00**.

Note:

Includes removal and disposal of transite pipe.

Sincerely,

A handwritten signature in black ink that reads "Nicholas Neri". The signature is written in a cursive, flowing style.

Nicholas Neri, Pres.

JOHN NERI CONSTRUCTION CO., INC.



JOHN NERI CONSTRUCTION CO., INC.
 Sewer & Water Contractors
 770 Factory Road *Addison, IL 60101
 Tel: 630 629-8384* Fax: 630 629-7001
 www.johnnericonstruction.com

June 21, 2019

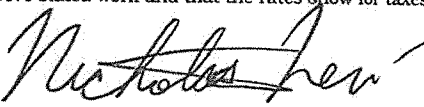
Mr. Brett Garelli
 City of Wood Dale
 268 W. Irving Park Rd.
 Wood Dale, IL 60191

Route:
 Report #:
 Force account bill for:

County: DuPage Authorization:
 JNC JOB # 19996

	June 2019			Total Hours			Rate	Insurance Amount	Payroll Amount	Earnings to date	F.U.T.	S.U.T.
	21	22	23	S.T.	O.T.	D.T.						
(Operator/Foreman)	0	0	0	0	0	0	\$ 51.30	\$ -	\$ -	\$ -	\$ -	\$ -
(Operator)	0	0	0	0	0	0	\$ 51.30	\$ -	\$ -	\$ -	\$ -	\$ -
(Laborer)	0	0	0	0	0	0	\$ 43.72	\$ -	\$ -	\$ -	\$ -	\$ -
(Laborer/Bottom Man)	0	0	0	0	0	0	\$ 47.07	\$ -	\$ -	\$ -	\$ -	\$ -
(Teamster)	0	0	0	0	0	0	\$ 37.96	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotals, Labor								\$ -	\$ -	\$ -	\$ -	\$ -
*Laborers Pension & Welfare Funds				0	Hrs. @	\$ 29.82			\$ -			
*Operator Pension & Welfare Funds				0	Hrs. @	\$ 42.18			\$ -			
*Truck Drivers Pension & Welfare Funds				0	Hrs. @	\$ 20.67			\$ -			
Subtotals, Labor									\$ -			
Plus 35% of Subtotal									\$ -			
Subtotals, Labor									\$ -			
Plus: Workman's Compensation Ins.				18.30	% OF	\$ -		\$ -				
Public Liability and Property Damage Ins., excluding payroll of Truck Drivers				2.37	% OF	\$ -		\$ -				
**Federal Unemployment Tax				0.60	% OF	\$ -		\$ -				
***State Unemployment Tax				8.15	% OF	\$ -		\$ -				
Federal Social Security Tax				7.65	% OF	\$ -		\$ -				
Total Payroll Additives								\$ -				
Plus 10% of Payroll Additives								\$ -				
Total Labor									\$ -			

I hereby certify that the above statement is a copy of that portion of the payroll which applies to the above stated work and that the rates show for taxes and insurance are actual costs.

Signed 
 John Neri Construction Co., Inc. President

Total on following page.

Equipment Expense

	21	22	23	Total Hours	Rate	Amount
Cat 303.5E Excavator (39HP) 3.1 cft	0	0	0	0	\$ 21.24	\$ -
John Deere 85G Excavator (56.9 Hp.)	0	0	0	0	\$ 59.53	\$ -
Cat 314CL-CR Excavator (90HP) .68C.Y.	0	0	0	0	\$ 80.47	\$ -
Link Belt 145X4 Excavator (102HP) .82 C.Y.	0	0	0	0	\$ 75.21	\$ -
John Deere 450D LC Excavator (348 Hp) 3.06 cy	0	0	0	0	\$ 233.78	\$ -
John Deere 330C LC Excavator (246 Hp) 2.3 cy	0	0	0	0	\$ 143.28	\$ -
John Deere 225D LC Excavator (159 Hp) 1.09 cy	0	0	0	0	\$ 117.94	\$ -
John Deere 245G LC Excavator (180 Hp) 1.40 cy	0	0	0	0	\$ 120.87	\$ -
Komatsu PC-160 Excavator (115HP) .85 C.Y.	0	0	0	0	\$ 76.64	\$ -
Komatsu PC-228 USL Excavator(148HP)1.05 C.Y.	0	0	0	0	\$ 101.62	\$ -
Komatsu WA-250-5PT (135 Hp.) 2.5 C.Y.	0	0	0	0	\$ 54.13	\$ -
Cat 953C Crawler Loader (128 Hp) 2.42 Cy.	0	0	0	0	\$ 91.47	\$ -
Cat IT28 Endloader (160 Hp).	0	0	0	0	\$ 52.09	\$ -
JD 624 H Endloader (160 Hp).	0	0	0	0	\$ 56.53	\$ -
JD 624 K Endloader (186 Hp).	0	0	0	0	\$ 64.82	\$ -
JD 544-J Endloader (149 Hp 3.0 C.Y.)	0	0	0	0	\$ 54.93	\$ -
JD 410 E Loader/Backhoe W/Breaker	0	0	0	0	\$ 54.67	\$ -
JD 410 E Loader/Backhoe	0	0	0	0	\$ 44.36	\$ -
Hamm HD 70 Roller	0	0	0	0	\$ 59.27	\$ -
Gradall XL 4100	0	0	0	0	\$ 118.33	\$ -
Vermeer T-555 Crawler Mounted Rock Saw	0	0	0	0	\$ 116.50	\$ -
Case 430 Unloader (74Hp)	0	0	0	0	\$ 33.88	\$ -
Case 430 Unloader W/Breaker (74Hp)	0	0	0	0	\$ 55.49	\$ -
Case 1845C Unloader (57Hp)	0	0	0	0	\$ 29.05	\$ -
Case 1845C Unloader (57Hp) W/Breaker	0	0	0	0	\$ 50.66	\$ -
Portable light tower	0	0	0	0	\$ 10.71	\$ -
Ingersoll Rand Roller (2 ton)	0	0	0	0	\$ 21.57	\$ -
Wacker RD15 Roller	0	0	0	0	\$ 16.51	\$ -
Target Walk behind saw (65Hp)	0	0	0	0	\$ 32.60	\$ -
Stone Walk behind saw (18 Hp)	0	0	0	0	\$ 11.49	\$ -
Tripod Fall Protection (Daily Rate)	0	0	0	0	\$ 140.00	\$ -
Weber Diesel Compactor	0	0	0	0	\$ 23.00	\$ -
Plate compactor	0	0	0	0	\$ 8.65	\$ -
Arrow Board (daily Rate)	0	0	0	0	\$ 50.00	\$ -
Sullair Air Compressor	0	0	0	0	\$ 14.70	\$ -
90 Lb Hand Held Pavement Breaker	0	0	0	0	\$ 0.96	\$ -
14" Cut-Off Saw	0	0	0	0	\$ 3.94	\$ -
Kohler Diesel Generator (65kW)	0	0	0	0	\$ 38.00	\$ -
Small generator set	0	0	0	0	\$ 3.79	\$ -
2" Electric pump W/Acc.	0	0	0	0	\$ 2.76	\$ -
2" gas pump W/Suction (daily rate)	0	0	0	0	\$ 60.00	\$ -
3" gas pump W/Suction & Dis Charge (daily rate)	0	0	0	0	\$ 90.00	\$ -
4" gas pump W/Suction (daily rate)	0	0	0	0	\$ 140.00	\$ -
8' x 6' Trench Box (daily rate)	0	0	0	0	\$ 75.00	\$ -
8' x 8' Trench Box (daily rate)	0	0	0	0	\$ 90.00	\$ -
12' x 8' Trench Box (daily rate)	0	0	0	0	\$ 120.00	\$ -
16' x 8' Trench Box (daily rate)	0	0	0	0	\$ 160.00	\$ -
8' x 10' x 3/4" Steel Plate (daily rate)	0	0	0	0	\$ 45.00	\$ -
8' x 16' x 1" Steel Plate (daily rate)	0	0	0	0	\$ 70.00	\$ -
8' x 20' x 1" Steel Plate (daily rate)	0	0	0	0	\$ 90.00	\$ -
Interstate Trailer (3-Ton)	0	0	0	0	\$ 2.56	\$ -
Trail King Trailer (12-Ton)	0	0	0	0	\$ 4.50	\$ -
Interstate Trailer (20-Ton)	0	0	0	0	\$ 5.49	\$ -
Sterling Mobile Sweeper	0	0	0	0	\$ 94.34	\$ -
Chevy 30HD Cut-Away (GVW 11000)	0	0	0	0	\$ 30.94	\$ -
Chevy-2500 Pick-up	0	0	0	0	\$ 19.35	\$ -
Ford F-150 Pick-up	0	0	0	0	\$ 19.68	\$ -
Ford F-350 Utility (GVW 13800)	0	0	0	0	\$ 28.73	\$ -
Ford F-350 Service Truck (GVW 16000)	0	0	0	0	\$ 31.49	\$ -
Freightliner Truck 4600 single axle dump W/Tag Along	0	0	0	0	\$ 46.24	\$ -
Ford LS-8000 single axle dump W/Tag Along	0	0	0	0	\$ 46.18	\$ -
Mack 6-Wheeler (GVW 53000)W/20 Ton Tag	0	0	0	0	\$ 84.29	\$ -
Mack 6-Wheeler (GVW 53000)	0	0	0	0	\$ 78.93	\$ -
55 Ton Low Boy	0	0	0	0	\$ 23.00	\$ -
Peterbilt Tractor W/55 Ton Low Boy	0	0	0	0	\$ 113.86	\$ -
Semi Tractor GVW 80000 W/20 Yd. Dump	0	0	0	0	\$ 107.80	\$ -
Sub-Total Equipment						\$ -

Material Used

	<u>Source</u>	<u>Quantity</u>	<u>Unit</u>	<u>Price</u>	<u>Amount</u>
Subtotal Material	Stock	0		\$ -	\$ -
15% Markup					\$ -
Sub Total Material Used					\$ -

Sub-Contractors Expense

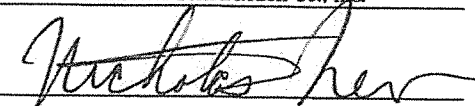
See attached invoice

	<u>Source</u>	<u>Quantity</u>	<u>Unit</u>	<u>Price</u>	<u>Amount</u>
Sub-Total		0	Ea.	\$ -	\$ -
10% Markup up to \$10,000.00(minimum \$100.00)					\$ -
1% Markup up anything over \$10,000.00					\$ -
Sub total sub-contractors					\$ -

AFFIDAVIT

This is to certify that the material entered on this force account bill which was taken from stock is shown at our cost.

John Neri Construction Co., Inc.

By 

TOTAL LABOR:	\$ -
TOTAL EQUIPMENT EXPENSE:	\$ -
TOTAL MATERIALS:	\$ -
SUB-CONTRACTORS EXPENSE	\$ -
TOTAL	\$ -
Bond 0.75%	\$ -
Plus 10% of Bond	\$ -
Total Bill	\$ -

Wood Dale 484 Hiawatha
14-68 -> 14-69
Asbestos Cement Circular 8



13:14

06-11-2019

150.71E
-15.65





Packet Page #88



REQUEST FOR COMMITTEE ACTION

Referred to Committee: July 11, 2019
Subject: Rear Yard Drainage Program Revised
Staff Contact: Alan Lange, Assistant Public Works Director
Department: Public Works

TITLE: Approval of Revisions to Rear Yard Drainage Assistance Program Including Extension of Program to Not-For-Profit Entities

RECOMMENDATION:

Staff recommends approval of revisions to Rear Yard Drainage Assistance Program including extension of the program to Not-for-Profit entities.

BACKGROUND:

The City currently offers a cost-share program to assist with mitigation of flooding on private property. The Public Works Committee has recently requested staff review and revise the program for clarity as well as to extend the program to the City's various Not-for-Profit organizations. Original program procedure as well as revised document are attached.

ANALYSIS:

Key revisions:

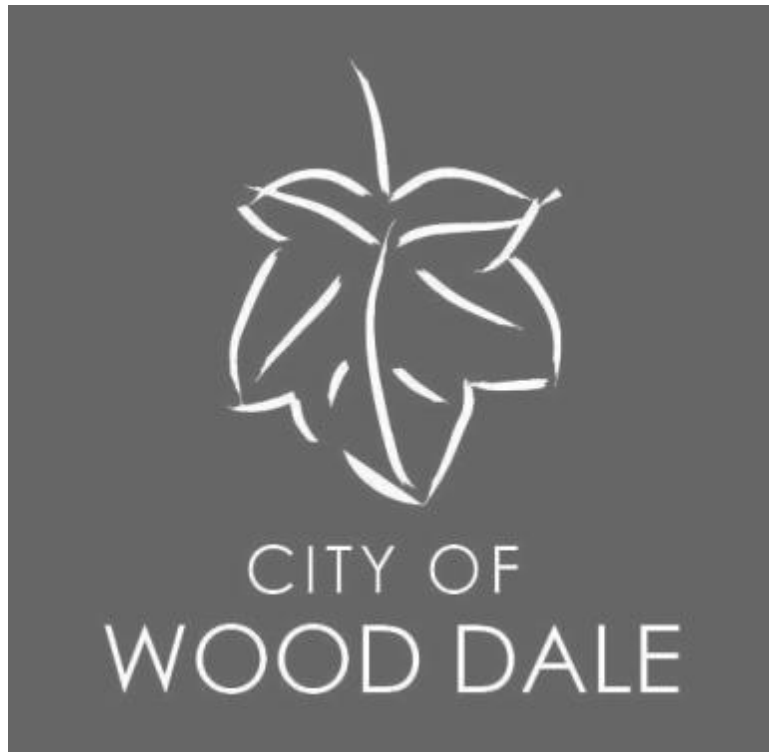
- Clarified procedural steps to help expedite process as well as limiting unnecessary duplication of duties.
- Clarified reimbursement limits are on a per project basis not per resident.
- Removed ineligibility of rental properties.
- Extends program to Non-Profit Organizations so long as they meet the same eligibility criteria as homeowners. The same reimbursement limits will apply.

The City currently reimburses projects 50% of the cost up to \$3,000 per project. The City budgets \$24,000 annually for the Rear Yard Drainage Assistance Program. These figures will not change under revised program.

DOCUMENTS ATTACHED

✓ Revised RYDAP

CITY OF WOOD DALE



REAR YARD DRAINAGE ASSISTANCE PROGRAM

Revised July 11, 2019

Department of Public Works

Rear Yard Drainage Assistance Program (Storm Water)

The City of Wood Dale recognizes that several areas of the City, including private property, do not have positive drainage of storm water to the City rights of way. For health and safety reasons the City is implementing a rear yard drainage policy which includes a public/private cost share program.

Many factors will be taken into consideration when determining whether a rear yard drainage system will impact existing storm water drainage. A rear yard drain is not always the best course of action. Other methods of controlling nuisance-standing water and flooding will be considered; including, dry wells, rain gardens, rain barrels, etc.

The City recognizes that individual property owners are responsible for their own property conditions and takes no responsibility for storm water on private property but does feel that a public-private partnership could be useful in some situations.

Program Requirements

~~Upon request by a resident, the Public Works Department will meet with the resident and assess the problem, when necessary, consult the City engineers to determine the best course of action to address any drainage issues.~~

~~Once a rear yard drain is determined, in the sole and exclusive assessment by the City, to be the best course of action by the City, the resident wishing to participate in the Program, must complete a written Application for City cost participation to be reviewed and approved by the Director of Public Works, or a designee.~~

~~Residents must provide three (3) quotes from registered qualified contractors for said yard drain work to be performed. All permits, insurance, and bonding will be the resident's responsibility.~~

~~Drawings/plans prepared by the resident must be provided to the Community Development Department and reviewed by the City engineers to verify compliance with sound engineering practices and are consistent with City policy and procedures.~~

Residents seeking to take advantage of this program should submit an application and associated documentation to the Public Works Department at 720 N Central Avenue. Required documentation includes pictures of standing water over a 72 hour period, a plat survey or drawing of property indicating flood areas, and a written explanation of the issue. Applications are available online at the City of Wood Dale's website, at the Community Development counter at City Hall, or at the Public Works Building.

The City will then, at their discretion, consult with storm water engineers to assess the underlying factors and determine the best course of action. Once a course of action is determined, in the sole and exclusive assessment by the City, a memo will be issued to the resident wishing to participate in the program identifying the causing factors and recommending a strategy for mitigation. Upon receipt of this memo the resident will then obtain quotes from three (3) qualified contractors for

the work prescribed therein. After selection of an approved contractor is made in coordination with the City, a permit may be issued. **Reimbursement will not be granted for any work not prescribed by the City or its engineers or for work performed by an unauthorized contractor.** The City may at any time deny a permit or ask for further information from a resident or contractor.

All permits, insurance, and bonding will be the resident's responsibility. Drawings/plans prepared by the resident must be provided to the Community Development Department and reviewed by the City engineers to verify compliance with sound engineering practices and are consistent with City policy and procedures.

The contractor will perform the installation. All connections must be inspected by the City.

The resident will be solely and exclusively responsible for all payments to the contractor and shall provide the City with proof of payment, in full, including a waiver of lien from the contractor, canceled check, or other acceptable proof of payment, itemized receipt, and certified payroll if applicable. After review of all documents, the City will reimburse the resident 50% of labor and material costs, up to \$3,000, per resident **project**.

If a resident chooses to install a rear yard drainage system themselves without using a contractor, the resident is still required to secure the necessary permits and approvals from the City. Upon approval by the City will reimburse 50% of the cost of materials only, up to \$3,000 maximum.

The resident will assume all maintenance responsibilities on their property related to the rear yard drain installation and operation.

It is often more beneficial for multiple residents or members of a multifamily residence or Association to group together on one project in order to lighten the financial burden on any one resident. In these instances the City will still contribute 50% up to \$3,000 of the cost of the project with the benefitting residents splitting the remaining cost. This agreement is to be worked out amongst the residents and the City bears no responsibility for mediating agreements between neighbors.

The program may also be applied to Not-for-Profit organizations located within the City of Wood Dale which meet the criteria listed below. The application process and funding amounts will remain the same as for residents.

Criteria for City Cost Share Participation

In order to participate in the Rear Yard Drainage Assistance Program, the following criteria must be satisfied:

Wood Dale resident only and **at least** one of the following conditions:

1. Standing water for over 72 consecutive hours
2. Overland flooding that causes direct damage to house or structures
3. Multiple residential/home owner impact

Ineligible for City Funding Criteria

The following are not eligible for funding assistance from the City:

~~Rental or income property~~

New construction or remodeling that requires storm water control measures

Sump pump discharge relief

Multiple installations at 1 property (1-time participation only)

Maintenance and repair of existing storm sewer systems

The City reserves the right to cancel said Program, at any time, without notice, and further reserves the right to deny City Cost Participation to any resident, for any reason. The City will provide a point of relief (access to the municipal storm water sewer system) if the existing storm water sewer system is within 300 feet of private property.

At no time does the City participation relieve the resident of their responsibilities under Municipal Ordinance Code, Federal, State, and/or County storm water regulations. Residents choosing to install storm water sewer system without City Cost Participation will follow existing Community Development Department requirements.



REQUEST FOR COMMITTEE ACTION

Referred to Committee: July 11, 2019
Subject: Contract I-14-4638 Final Project Cost
Staff Contact: Alan Lange, Assistant Public Works Director
Department: Public Works

TITLE: Approval of Final Project Costs for Contract I-14-4638 – Illinois Route 390 ITS Project and Recommend Action on Land Acquisition Credits Owed to the City of Wood Dale by Illinois State Toll Highway Authority

RECOMMENDATION:

Staff recommends Committee approval of final project costs for Contract I-14-4638 – Illinois Route 390 ITS and requests recommendation for action on land acquisition credits owed to the City of Wood Dale by the Illinois Tollway.

BACKGROUND:

The City has previously entered into an agreement with the Illinois State Toll Highway Authority (Illinois Tollway) for enhancements along Illinois Route 390 corridor. The price of these enhancements are deducted from the land acquisition credits owed to the City by the Tollway under a previous agreement. The remaining balance of the credits after deduction of enhancements is \$344,816.43 owed to the City. The Tollway has requested that the City donate the balance as an in-kind contribution to Elgin-O'Hare Western Access Project.

ANALYSIS:

The Committee has the following options:

1. Approve the Tollway request for in-kind contribution and donate \$344,816.43 balance to EOWA project.
2. Reject Tollway request for in-kind contribution and request payment from Tollway for \$344,816.43 balance.
3. Any other such option that the Committee deems appropriate.

DOCUMENTS ATTACHED

- ✓ Illinois Tollway letter
- ✓ HR Green memo



June 18, 2019

Mayor Pulice Nunzio
City of Wood Dale
404 North Wood Dale Road
Wood Dale, IL 60191

Attention: Jeff Mermuys
City Manager

**Re: Illinois Tollway Construction Contract I-14-4638, Intelligent Transportation Systems (ITS) along Illinois Route 390 from east of U.S. Route 20 (Lake Street) to east of Illinois Route 83 (Busse Road)
Elgin O'Hare Western Access (EOWA) – Final City Cost Participation Transmittal**

Dear Mr. Mermuys:

The Illinois Tollway (Tollway) has completed work associated with the above referenced contract, which includes work requested by the City of Wood Dale (City). An Intergovernmental Agreement (IGA) between the City, Tollway, Village of Bensenville, Village of Itasca and DuPage County for Tollway Contract I-14-4638 has been executed.

The City's requested elements include black access control fencing along eastbound Illinois Route 390 from Mittel Boulevard to Lively Boulevard, including connections at Mittel Boulevard, Wood Dale Road, and Lively Boulevard. Based upon final measurements and actual costs, the cost for City requested work is \$16,982.74 for construction (cost differential for black access control fencing), \$849.14 (5% of construction costs) for preliminary and design engineering, and \$1,698.27 (10% of construction costs) for construction engineering, for a total cost of \$19,530.15. The total cost is \$4,419.75 less than the estimate in the IGA.

As described in the above referenced IGA, the cost of the City requested work is to be offset by the City's parcel credit balance from previous construction contracts. Attached is the summary of the credit provided by the parcels conveyed by the City and how they have been used to offset upgrades requested by the City in this and separate IGAs between the Tollway and the City for the EOWA project. The summary also accounts for the City's additional parcel conveyance requested by the Tollway October 27, 2017.

The following documents are being provided or are available upon request as noted for your information and use as supporting information for the cost participation:

1. Contract I-14-4638 Plan and Final Cost Participation Summary
2. City EOWA Cost Participation Summary

3. Executed IGA between the Tollway, DuPage County, Village of Bensenville, Village of Itasca and the City for Contract I-14-4638, executed June 29, 2017.
4. Original Plan Quantities and Final Quantity Backup Documentation (not attached; available upon request)
 - a. Contract I-14-4638 Plan Backup Documentation, provided by Design Engineer (DSE) CH2M (now Jacobs).
 - b. Contract I-14-4638 Final Quantity Backup Documentation, provided by Construction Manager (CM) V3/TY Lin.

The City's final costs associated with Contract I-14-4638 conclude the City's final actual costs obligations associated with the EOWA project. The remaining balance is a \$344,816.43 credit to the City. As the City's continued partnership and commitment to the implementation of the EOWA project, the Tollway would like to request the City to donate the remaining funds as an in-kind contribution.

Please review and provide any comments that you may have by July 16, 2019. If you have any questions or need further information, please contact the Tollway's Executive Project Engineer, Manar Nashif, at (630) 241-6800 ext. 4841 or via email at mnashif@getipass.com.

Sincerely,



Paul D. Kovacs, P.E.
Chief Engineering Officer

PDK/mon

Enclosure: Contract I-14-4638 Cost Participation Summary Sheets, Wood Dale Final EOWA Cost Summary, and Final I-14-4638 IGA

cc: Rocco Zucchero, Manar Nashif, Scott Marquardt – HR Green

02. 4638.07.03

LT_Tollway_PDK_4638-FinalCostParticipation-WoodDale_06182019



Elgin O'Hare Western Access: Contract I-14-4638 - ITS/FO Installation (Meacham Road to IL 83)
 IGA Executed Agreement with
 Illinois Tollway, DuPage County, Wood Dale, Itasca and Bensenville

Estimated Design Costs *	\$1,041	Estimated Construction Costs	\$20,826
Final Design Costs	\$849	Final Construction Costs	\$16,983
Estimated Const Engr Costs **	\$2,083	Original Total Estimate	\$23,950
Final Const Engr Costs	\$1,698	Final Total Costs	\$19,530

* Design Engineering Costs are calculated at 5% of Actual Construction Costs
 ** Construction Engineering Costs are calculated at 10% of Actual Construction Costs

PAY ITEM (Construction)	DESCRIPTION	UNIT	ORIGINAL CITY PLAN QUANTITY	FINAL ACTUAL CITY QUANTITY	TOLLWAY STANDARD UNIT PRICE	BID UNIT PRICE	CITY RESPONSIBLE UNIT PRICE	ORIGINAL PLAN CITY COST PARTICIPATION	FINAL CITY COST PARTICIPATION
Black access control fencing along eastbound Illinois Route 390 from Mittel Boulevard to Lively Boulevard, including connections at Mittel Boulevard, Wood Dale Road, and Lively Boulevard									
J1664390	RIGHT-OF-WAY FENCE, TYPE 1, FUSED-BONDED VINYL COATING	FOOT	4,615	3,819	\$ 16.20	\$ 23.06	\$ 6.86	\$ 31,658.90	\$ 26,198.34
J1664399	DOUBLE VEHICLE GATE, RIGHT-OF-WAY FENCE, TYPE 1, FUSED-BONDED VINYL COATING	EACH	1	1	\$ 1,525.40	\$ 2,141.40	\$ 616.00	\$ 616.00	\$ 616.00
Total								\$ 32,274.90	\$ 26,814.34
Black access control fence posts credit*									
J1664310	CORNER POST, RIGHT-OF-WAY FENCE, TYPE 1	EACH	9	8	\$ 348.00	na	na	\$ (3,132.00)	\$ (2,784.00)
J1664315	PULL POST, RIGHT-OF-WAY FENCE, TYPE 1	EACH	13	10	\$ 315.00	na	na	\$ (4,095.00)	\$ (3,150.00)
J1664320	END POST, RIGHT-OF-WAY FENCE, TYPE 1	EACH	13	12	\$ 324.80	na	na	\$ (4,222.40)	\$ (3,897.60)
Total								\$ (11,449.40)	\$ (9,831.60)
*The black access control fencing pay item (J1664390) includes both the fence and posts installed as black. However, the standard (galvanized) access control fencing as part of Contract I-14-4638 is priced based on separate pay items for the fence and posts. As such, the "Tollway Standard Unit Price" cost differential applied to the black access control fencing does not include the fence posts; therefore, the cost differential or credit is provided separately for galvanized fence posts.							SubTotal	\$ 20,826.00	\$ 16,982.74

Construction Subtotal \$ 20,826.00 \$ 16,982.74

Design Engr Subtotal (5% of Constr) \$ 1,041.30 \$ 849.14

Constr Engr Subtotal (10% of Constr) \$ 2,082.60 \$ 1,698.27

Total City of Wood Dale Cost Responsibility \$ 23,949.90 \$ 19,530.15

Elgin O'Hare Western Access (EOWA)
City of Wood Dale EOWA Intergovernmental Agreement (IGA) Cost Participation Summary
Draft as of 6/6/19

IGA	Contract	Description	IGA Status	City Responsibility			Tollway Responsibility		IGA Carry Over Amount		Total Balance	
				Description	IGA Estimated Cost	Final Actual Cost	Description	Cost	IGA/Contract	Amount	City Credit (to be carried over)	City Amount Owed to Tollway
Illinois Tollway/Wood Dale/Elk Grove Village/DuPage County (4630) IGA	4630	Lively Boulevard Bridge	Complete	Lively Boulevard Realignment	\$ 215,000.00	\$ 215,000.00	Parcel EO-1B-12-913	\$ 235,000.00	n/a	n/a	\$ 932,310.84	\$ -
				City Improvements, including parapet signage, shared use path, and black access control fencing	\$ 164,573.05	\$ 157,689.16	Parcel EO-1B-12-915	\$ 230,000.00				
							Parcel EO-1B-12-917	\$ 215,000.00				
							Parcel EO-1B-12-918	\$ 245,000.00				
							Parcel EO-1B-12-919	\$ 380,000.00				
4630 IGA TOTAL COSTS				\$ 379,573.05	\$ 372,689.16		\$ 1,305,000.00			\$ 932,310.84	\$ -	
Illinois Tollway/Wood Dale IGA (4631)	4631	Salt Creek Bridge and Mittel Blvd Bridge	Complete	City Improvements, including black access control fencing and parapet signage	\$ 9,838.11	\$ 9,801.74	Parcel EO-1B-12-911	\$ 107,000.00	n/a	n/a	\$ 97,198.26	\$ -
4631 IGA TOTAL COSTS				\$ 9,838.11	\$ 9,801.74		\$ 107,000.00			\$ 97,198.26	\$ -	
Illinois Tollway/Wood Dale/DuPage County IGA (4640)	4640	Wood Dale Road Bridge	Complete	City Improvements, including Wood Dale Road Bridge architectural enhancements, sidewalk, shared use path, and special lighting	\$ 666,061.40	\$ 634,531.26	Parcel EO-1B-12-912	\$ 345,000.00	4630	\$ 932,310.84	\$ 739,977.84	\$ -
									4631	\$ 97,198.26		
4640 IGA TOTAL COSTS				\$ 666,061.40	\$ 634,531.26		\$ 345,000.00		\$ 1,029,509.10	\$ 739,977.84	\$ -	
Illinois Tollway/IDOT/DuPage County/Wood Dale/Elk Grove Village/Bensenville IGA (4644)	4644	IL 390 from Lively Boulevard to IL 83	Complete	City Improvements, including shared use path, stamped concrete along Lively Boulevard, and black access control fencing	\$313,826.89	\$ 310,195.09	NA	NA	4640	\$ 739,977.84	\$ 429,782.75	\$ -
4644 IGA TOTAL COSTS				\$313,826.89	\$ 310,195.09				\$ 739,977.84	\$ 429,782.75	\$ -	
Illinois Tollway/DuPage County/Wood Dale/Itasca/Wood Dale Park District (4642)	4642	IL 390 from Arlington Heights Road to Lively Boulevard	Out for Signature	City Improvements, including stamped concrete along Mittel Drive and black access control fencing	\$ 158,717.00	\$ 139,880.42	NA	NA	4644	\$ 429,782.75	\$ 289,902.33	\$ -
4642 IGA TOTAL COSTS				\$158,717.00	\$ 139,880.42				\$ 429,782.75	\$ 289,902.33	\$ -	
Illinois Tollway/DuPage County/Wood Dale/Itasca/Bensenville (4638)	4638	ITS Contract - IL 53 to IL 83	Complete	City Improvements, including black access control fencing	\$ 23,949.90	\$ 19,530.15	NA	NA	4642	\$ 289,902.33	\$ 270,372.18	\$ -
4638 IGA TOTAL COSTS				\$ 23,949.90	\$ 19,530.15				\$ 289,902.33	\$ 265,952.43	\$ -	
Additional Parcels to be Transferred from the City to the Tollway (letter dated October 27, 2017)	NA	Additional parcels required from the City based on design refinements	NA	NA	NA	NA	Parcel EO-1B-12-912	\$ 14,709.39	4638	\$ 270,372.18	\$ 344,816.43	\$ -
							Parcel EO-1B-12-913	\$ 10,990.04				
							Parcel EO-1B-12-917	\$ 46,886.47				
							Parcel EO-1B-12-919	\$ 1,858.35				
							\$ 74,444		\$ 270,372.18	\$ 344,816.43	\$ -	
TOTAL AS OF 6/6/19				\$ 1,486,627.82	\$ 1,486,627.82		\$ 1,831,444.25			\$ 344,816.43	\$ -	
REMAINING BALANCE										\$ 344,816.43	\$ -	

*The Illinois Tollway will reimburse the City for the sanitary sewer relocation design and construction separate from the credit/carry over amount.



MEMO

To: City of Wood Dale Mayor and City Council

From: Scott Marquardt, Associate / Group Manager

Subject: Illinois Tollway/DuPage County/City of Wood Dale/Village of Bensenville/Village of Itasca
Contract I-14-4638 – Illinois Route 390 ITS Project
Recommendation for Approval of Final Project Cost Letter

Date: July 3, 2019

Mayor Pulice and City Council,

BACKGROUND

As you are well aware, the Tollway has provided opportunities for the City to include various additional work within their construction contracts, for items desired by the City such as pedestrian/bike paths, upgraded access control fencing and decorative underbridge aesthetic enhancements. The enhancements which are the subject of this memo and Tollway letter are associated with the Illinois Route 390 (Elgin O'Hare Western Access) ITS project throughout the City of Wood Dale limits.

HISTORY

At the April 6, 2017 City Council meeting, the City approved Resolution R-17-12 and the Intergovernmental Agreement (IGA) which defined the overall project, City-requested enhancements, and cost sharing allocations for those enhancements. The Tollway signed the IGA on May 16, 2017.

The IGA defined estimated project costs based upon actual contractor bid prices and design quantities for the various work items included in the requested enhancements. The enhancements included and completed in this particular project which were the cost responsibility of the City of Wood Dale included the following item:

- Cost differential to install black coated access control fencing along eastbound Illinois Route 390 from Mittel Boulevard to Lively Boulevard, including connections at Mittel Boulevard, Wood Dale Road and Lively Boulevard

Now that construction has been completed, the Tollway has submitted final calculations of project quantities and determined the actual final construction enhancement cost, in accordance with the terms of the IGA. All requested enhancements were completed in accordance with the contract documents.

The original estimated enhancement expense based upon estimated design quantities, including design and construction engineering expenses, was \$23,949.90. The final expense to the City for these enhancements based on final contract quantities, again including design and construction engineering expenses, is \$19,530.15, or \$4,419.75 less than originally anticipated in the IGA.

FUNDING

The overall remaining land acquisition credits from the original total amount of \$1,831,444.25 which are being provided by the Tollway for acquisition of City owned right of way are more than adequate to fully cover the \$19,530.15 final project expenses associated with the enhancements for this project.

Attached is a summary of various project IGA-related expenses and a running total of credits and expenditures. Upon approval this evening of the Contract I-14-4638 final cost concurrence, all City final cost obligations for all Illinois Route 390 project enhancements will be concluded.

As shown on this summary, there is a remaining balance of \$344,816.43 (of the original \$1,831,444.25) in land acquisition credits owed to the City.

REQUESTED ACTION

The Tollway is requesting two separate actions from the City in regards to the finalization of the Contract I-14-4638 project, as follows:

1. That the City approve the attached letter stating their concurrence with the final project costs associated with the enhancements which were completed as part of the Illinois Route 390 ITS project.
2. That the City donate the remaining land acquisition balance of \$344,816.43 as an in-kind contribution to the EOWA project.

SUMMARY AND RECOMMENDATION

- **The costs described in the attached letter are based upon actual bid prices and final completed contract quantities for the enhancement work requested by the City and which has been included by the Tollway in the Contract I-14-4638 Illinois Route 390 ITS project plans.**
- **In regards to the final project cost concurrence, I recommend that the City Council consider providing direction to respond to the Tollway that the City of Wood Dale is in agreement with final project enhancements expenses included within this I-14-4638 contract.**
- **In regards to the Tollway request that the City donate the remaining land acquisition balance of \$344,816.43 as an in-kind contribution to the EOWA project, the City Council is requested to consider the following options:**
 1. **Approve the Tollway request for the City to contribute the remaining land acquisition credits as an in-kind contribution**
 2. **Reject the Tollway request for contribution of the remaining land acquisition credits and request payment from the Tollway to the City of the remaining balance of \$344,816.43**
 3. **Any other such option that the City Council may deem appropriate**

I can be in attendance at the July 11, 2019 Committee of the Whole meeting and will be available to answer questions.