

REVISED AGENDA
Municipal Services Committee
September 22, 2014
6:30 P.M. – Council Chambers

- 1. Call to Order & Roll Call**
- 2. Establishment of Quorum**
- 3. New Business**
 - a. 2601 75th Street, Mi Hacienda** – Petitioner seeks approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining
 - b. Resolution** – Awarding a contract to Homer Tree Care, Inc. in an amount not to exceed \$62,692.13 for the City’s 2014-15 Tree Trimming and Removal Program
 - c. Resolution** – To increase funding for the Residential Rear Yard Drainage Assistance Program in an amount of \$20,000.00
 - d. Minutes** – July 28, 2014 Municipal Services Committee
August 18, 2014 Special Meeting, Municipal Services Committee
August 25, 2014 Municipal Services Committee
- 4. Director’s Report**
- 5. Next scheduled meeting** – October 27, 2014
- 6. Adjournment**

AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
MEETING DATE: September 22, 2014

Issue Statement

PZC 2014-07:

2601 75th Street, Mi Hacienda: Petitioner seeks approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining.

Applicable Regulations:

Zoning Ordinance: 5A-5-7-3: Permitted Obstructions in Required Yards.

Zoning Ordinance: 5A-8-3-8: Yard Requirements.

General Information

Petitioner/Owner:

Andrius Presniakouas
14144 131st Street
Lemont, IL 60439

Property Location:

2601 75th Street

PIN:

09-29-300-009

Existing Zoning:

B-2 Community Shopping Center Business District

Existing Land Use:

Restaurant, café, gift store

Comprehensive Plan Update: Commercial

Surrounding Zoning and Land Use:

North: B2 General Retail Business (Downers Grove): commercial/retail

South: R-2 Single-Family Residence District: single-family home, landscape business

East: B-1 Neighborhood Convenience Shopping District: commercial/retail, vacant, former Wolf Camera shop

West: B-3 General Business District: commercial/retail, Chestnut Court Shopping Center

Size of Property:

0.598 acres

Floodplain:

None.

Natural Features:

None.

Transportation:

Property has frontage on 75th Street and Main Street with access from Main Street only.

History:

In 2003, the City Council granted a variation, Ordinance O-02-03, to reduce the required parking setback along the front lot line and to increase the permitted lot coverage. In 2012, the City Council granted a special use for an eating establishment, Grand Dukes.

Documents Submitted

This report is based on the following information submitted to the Community Development Department by the Petitioner:

1. Plat of Survey, 1 sheet, prepared by Ruettiger, Tonelli & Associates, Inc., dated April 2, 2012. Patio details indicated by petitioner.

Planning Overview/Discussion

The subject property is located at the southwest corner of 75th Street and Main Street, just east of the Chestnut Court shopping center. The property contains one, 2-tenant retail building. The east half of the building is occupied by a restaurant, Mi Hacienda. The west half of the building is occupied by a restaurant and gift store, Grand Dukes.

The petitioner constructed a patio on the east side of the building for outdoor dining. The patio was constructed without a permit. Per the Zoning Ordinance, patios are required to meet the required corner side yard requirement. Currently, the Zoning Ordinance requires a 50-foot corner side yard setback in the B-2 zoning district. The building is approximately 25 feet from the lot line, therefore, any patio within this yard would also encroach. The patio extends from the building to the east lot line.

Mi Hacienda holds a liquor license. For alcohol to be served outside on the patio, the following items are required per the Liquor Code:

1. The perimeter of the outdoor area shall be enclosed.
2. The outdoor area shall be owned or leased by the licensee. (Ord. 0-31-08, 7-7-2008)
3. The outdoor area may be open only at times when food service is available in the restaurant. The restaurant must offer, and have available during all times that alcoholic liquor is available, a full menu and not the limited menu of a bar. This section shall not be deemed to permit activities such as outdoor beer gardens, large scale celebrations, or similar festivities within the outdoor seating area. (Ord. 0-32-08, 7-21-2008)
4. Access to the outdoor area shall be limited to entrances from within the licensed establishment only and not from a sidewalk or parking lot.
5. Seating in the outdoor area shall not be included to meet the required maximum capacity or occupancy restrictions for any license classification as established by this title.
6. Sale of alcoholic liquor shall be for consumption on the licensed premises only.
7. The outdoor area shall be closed at eleven o'clock (11:00) P.M. on Sunday through Thursday, and at twelve o'clock (12:00) midnight on Friday and Saturday.
8. A revised plat of survey must be submitted showing the location of the outdoor area, along with the enclosure details.
9. The licensee shall be required to take all necessary measures to prevent the level of noise and music from the outdoor area from causing any unreasonable disturbance to any nearby residentially zoned area.
10. Live entertainment is not permitted in the outdoor area.

11. An annual permit is required to serve alcoholic liquor at an outdoor area. The liquor commissioner may impose such terms and conditions on the licensee as shall be necessary to cause the fulfillment of these standards to be met. Because of the potential for the disturbance of the public health and safety when alcoholic liquor is sold outdoors or in a not fully enclosed structure, service of liquor in an outdoor area may be canceled, suspended or not renewed by the liquor commissioner. (Ord. 0-31-08, 7-7-2008)

The plat of survey shows 36 parking stalls. The Zoning Ordinance requires 4 parking stalls/1,000 gross square foot of building area for multi-tenant buildings, or 24 parking stalls in this case. There are 2 handicapped accessible parking stalls, which complies.

The variation request must address the following criteria for approval:

1. Whether the general character of the property will be adversely altered.
2. Whether the overall value of the property will be improved and there will not be any potential adverse effects on the neighboring properties.
3. Whether the alleged need for the variation has been created by any person presently having a proprietary interest in the premises.
4. Whether the proposed variation will impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety.
5. Whether the proposed variation will adversely alter the essential character of the neighborhood.

Staff Findings/Recommendations

While Staff does not object to the patio, there are residences directly to the south of the proposed patio. Consideration shall be taken regarding the carrying of voices to the adjacent neighbors. The petitioner will need to apply to serve alcohol outdoors and comply with the applicable regulations.

The proposed variation will not adversely alter the essential character of the property, the variation will not impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety.

Therefore, staff recommends the Planning and Zoning Commission make the following recommendation granting the variation petition:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-07 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission approve the petition, subject to the following:

1. **Compliance with the Liquor Code regarding outdoor alcohol service and consumption, Section 3-3-24 of the City Code.**

Planning and Zoning Commission Review – August 20, 2014

The Planning and Zoning Commission considered this matter at their meeting on August 20, 2014. The following members were present: Beverly Meyer – Chairperson, Ronald Kiefer, John Lind, Louis Mallers, Raymond Mielkus, Pauline Oberland, Kenneth Ritzert and Michael Griffith – Senior Planner.

Absent: Susan Vonder Heide and Elizabeth Lahey – Secretary.

Andrius Presniakouas, the petitioner, was present.

Michael Griffith, Senior Planner, reviewed the agenda memo describing the requested variation, he noted the patio is for outdoor dining.

He noted the required corner side yard setback of 50 feet, that the existing building currently encroaches 25 feet into the setback and therefore, any patio within this yard would also encroach. He noted the patio extends to the property line. He noted the patio was constructed without a permit, and that the petitioner is seeking to bring the matter into compliance.

Mr. Griffith noted the petitioner plans to serve alcohol outdoors, he noted the applicable regulations related to serving and consuming alcohol outdoors per City Code.

Commissioners Oberland and Mallers stated they were bothered by the petitioner not obtaining a building permit before constructing the patio.

Commissioner Oberland asked what was south of the property.

Mr. Griffith stated there is a home to the south, but that a landscape business is operated from the home so it is not exclusively a residential property. He noted the home is not next to the subject property.

Chairperson Meyer questioned the fence enclosure.

Mr. Griffith stated the Liquor Code does not require a certain type or fence height, the Code requires the area is to be enclosed.

Mr. Presniakouas stated he owns the building. He stated Enrique Rodriquez, who runs Mi Hacienda, approached him about business being slow and suggested a patio would help. He said he did not have a problem with the patio and thought Mr. Rodriquez was obtaining the permit. He stated Mr. Rodriquez owns the first two homes across the street on Main Street.

Commissioner Oberland asked when the petitioner bought the property and if he owned other property.

Mr. Presniakous stated he bought this property in 2011 and owns other commercial property.

Commissioner Oberland stated he should have known a building permit is required.

There was a discussion of the proposed enclosure. Mr. Presniakous stated it was 42 inches tall.

It was noted the enclosure is intended to route customers into the restaurant for service and to prevent customers from wandering off the patio.

Luanne Spirros, 7521 Main Street, stated she opposed the variation. She stated the variation will adversely impact the quality of life. She stated congestion on Main Street will increase, noting that vehicles are currently parked on both sides of Main Street, that it is difficult to see when exiting Main Street. She stated allowing the patio without a permit sends a mixed message.

Joe Websser, 7521 Main Street, stated he opposed the variation. He stated the site does not have enough parking and the patio will increase the capacity making parking more of a problem. He stated the parking standards for a stand-alone restaurant, based on seating, should be applied instead of the standard for a multi-tenant building.

Commissioner Oberland asked the petitioner how many tables would be on the patio.

Mr. Presniakous stated 4 tables, 4 seats per table.

Paul Jope, 7518 Cambridge Drive, stated his concern with the fence up against the sidewalk. He stated there is an overhead power line and questioned the safety of it being over a patio. He stated the street is a residential street.

Chairperson Meyer asked if there would be live entertainment on the patio, noting the property borders a residential area.

Mr. Presniakous stated no.

Mr. Griffith stated the Liquor Code does not permit live entertainment outdoors.

Commissioners Kiefer and Oberland stated their concern with the patio encroaching all the way to the sidewalk.

Commissioner Ritzert stated his concern with noise bothering the residents to the south.

Chairperson Meyer noted the Lithuanian restaurant has a small seating area and is mostly carry-out.

Commissioner Oberland asked when Mi Hacienda was busy. She stated her concern with the patio being so close to the sidewalk with people walking on the sidewalk next to the patio with people eating.

Mr. Presniakous stated the main business nights are Fridays.

Commissioner Lind stated the parking situation is on-going and it should not be aggravated. He stated one vehicle on the street is too many.

Commissioner Kiefer and Chairperson Meyer stated their concerns with the patio activity in a residential area.

Without further discussion, Commissioner Mallers made a motion to recommend denial of the variation petition, seconded by Commissioner Oberland.

**Upon a roll call vote, THE MOTION CARRIED by a vote of 7-0.
(Commissioner Vonder Heide was absent.)**

Municipal Services Committee – September 22, 2014

Based on the Planning and Zoning Commission's recommendation, staff recommends the Committee make the following recommendation to deny the variation petition:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-07 IS NOT IN CONFORMANCE with the standards of the Darien City Code and, therefore, I move the Municipal Services recommend denial of the petition.

Decision Mode

Planning and Zoning Commission:	August 20, 2014
Municipal Services Committee:	September 22, 2014



1601 75th Street —————>>>>

Legend

- Symbol: [Green Line] Parcel Boundary
- Symbol: [Blue Line] Street Right-of-Way
- Symbol: [Red Line] Street Right-of-Way
- Symbol: [Yellow Line] Easement
- Symbol: [Red Line] Easement
- Symbol: [Red Line] Easement
- Symbol: [Red Line] Easement
- Symbol: [Red Line] Easement

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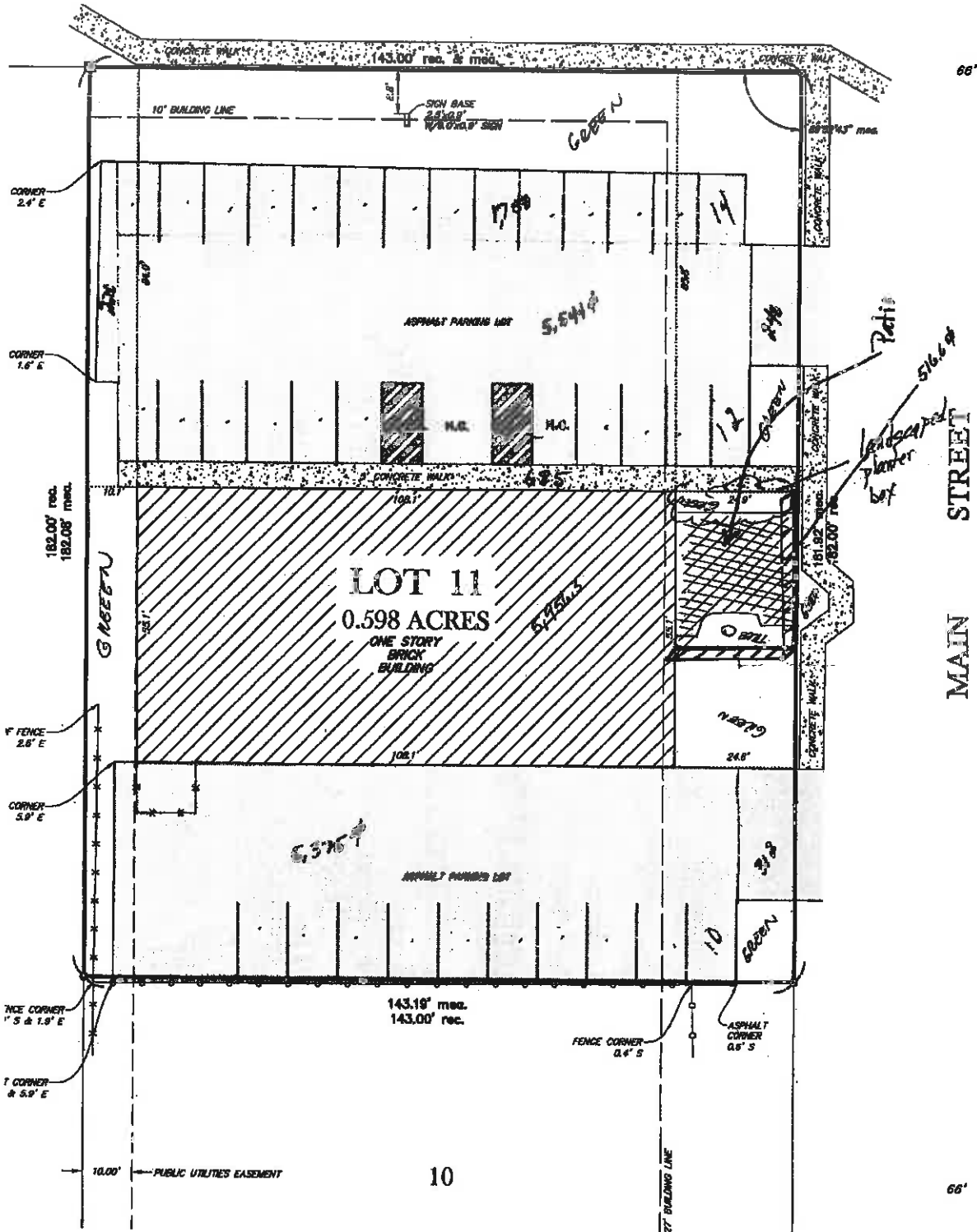
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STATE OF ILLINOIS)
 COUNTY OF WILL)

RUETTIGER, TONELLI & ASSOCIATES, II
 No. 184-001251, HEREBY CERTIFIES I
 DESCRIBED IN THE ABOVE CAPTION AS
 WHICH IS A TRUE AND CORRECT REPT

SURVEY FIELD WORK COMPLETED _____
 GIVEN UNDER MY HAND AND SEAL THIS

[Signature]

AGENDA MEMO
Municipal Services Committee
September 22, 2014

ISSUE STATEMENT

Approval of a resolution awarding a contract to Homer Tree Care, Inc in an amount not to exceed \$78,075.00 for the City's 2014/15 Tree Trimming and Removal Program.

BACKGROUND/HISTORY

The proposed tree trimming program consists of trimming approximately 1,750 parkway trees, approximately 65 tree removals and stump grinding. Below are the subdivisions to be trimmed:

- The Woodlands of Darien
- Clarefield
- Marion Hills South
- Farmingdale Terrace
- Farmingdale Terrace West
- Portsmouth
- Violet's Farm
- Farmingdale Heights
- Marion Hills North
- Brookdale
- Farmingdale Terrace South
- High Point Circle
- Brookhaven #1
- Reflections of Hidden Lakes

This year's program also includes contract pricing for the *Private Property Tree Trimming Program* to all the residents. The program would allow residents to have their private property trees trimmed or removed and stump grinding at the residents expense. The trimming will include removal of perished, diseased, interfering, and weak branches, as well as removal of under branches as requested. The bid included unit prices for Private Property Tree Trimming that would be paid for directly by the residents. The bid price for the Private Property tree trimming is \$70.00 per tree in the front yard and \$135.00 per tree in the back yard. The contract also includes unit pricing for private property tree removal, and stump grinding.

The contract calls out for unit pricing for emergency services through November 30, 2015. Please find labeled as Attachment A, the bid results that were opened on September 10, 2014. Please note there are two optional contract extensions for 2015-16 and 2016-17 that may be exercised by the City. The contract extensions will be formally entertained at a future date, pending budget approval.

2014-15 City of Darien Tree Removal Schedule				
DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST
Tree Trimming	Each	1,750.00	\$ 31.00	\$ 54,250.00
Tree Removal per DBH	Per Inch	650	\$ 18.50	\$ 12,025.00
Misc Stump Removal	Each	85	\$ 80.00	\$ 6,800.00
Contingency	Lump Sum	1	\$ 5,000.00	\$ 5,000.00
Total Cost				\$ 78,075.00

The proposed expenditure would be expended from the following accounts:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 14/15 BUDGET	EXPENDITURE TO DATE	PROPOSED EXPENDITURE	PROPOSED BALANCE
01-30-4375	TREE TRIMMING AND REMOVAL	\$105,800.00	\$5,372.50	\$78,075.00	\$22,352.50

STAFF RECOMMENDATION

Staff recommends approval of a resolution awarding a contract to Homer Tree Care, Inc. in an amount not to exceed \$78,075.00 for the City's 2014/15 Tree Trimming and Removal Program. Homer Tree Care has provided very satisfactory tree care services for the City in the past.

ALTERNATE DECISION

Not approving the contract.

DECISION MODE

This item will be placed on the October 6, 2014 City Council agenda for formal consideration.

City of Darien Parkway		Winkler's Tree & Landscaping, Inc							Homer Tree Care, Inc					
Fiscal Year		2014/2015		2015/2016		2016/2017		2014/2015		2015/2016		2016/2017		
DESCRIPTION	UNIT	PROPOSED UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
Tree Trimming	Each	1,750	\$ 64.51	\$ 112,892.50	\$ 67.51	\$ 118,142.50	\$ 71.00	\$ 124,250.00	\$ 31.00	\$ 54,250.00	\$ 31.00	\$ 54,250.00	\$ 31.00	\$ 54,250.00
Tree Removal per DBH	Per Inch	650	\$ 29.75	\$ 19,337.50	\$ 30.91	\$ 20,091.50	\$ 36.00	\$ 23,400.00	\$ 18.50	\$ 12,025.00	\$ 18.50	\$ 12,025.00	\$ 18.50	\$ 12,025.00
Misc Stump Removal	Each	85	\$ 92.00	\$ 7,820.00	\$ 96.00	\$ 8,160.00	\$ 100.00	\$ 8,500.00	\$ 80.00	\$ 6,800.00	\$ 80.00	\$ 6,800.00	\$ 80.00	\$ 6,800.00
Subtotal - Section A			\$ 186.26	\$ 140,050.00	\$ 194.42	\$ 146,394.00	\$ 207.00	\$ 156,150.00	\$ 129.50	\$ 73,075.00	\$ 129.50	\$ 73,075.00	\$ 129.50	\$ 73,075.00
DESCRIPTION	UNIT	PROPOSED UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
Tree Trimming-Front Yard	Each	1	\$ 350.00	\$ 350.00	\$ 380.00	\$ 380.00	\$ 425.00	\$ 425.00	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00
Tree Trimming-Back Yard	Each	1	\$ 650.00	\$ 650.00	\$ 700.00	\$ 700.00	\$ 750.00	\$ 750.00	\$ 135.00	\$ 135.00	\$ 135.00	\$ 135.00	\$ 135.00	\$ 135.00
Tree Removal per DBH (Front)	Per Inch	1	\$ 35.00	\$ 35.00	\$ 39.00	\$ 39.00	\$ 44.00	\$ 44.00	\$ 27.50	\$ 27.50	\$ 27.50	\$ 27.50	\$ 27.50	\$ 27.50
Tree Removal per DBH (Back)	Per Inch	1	\$ 97.00	\$ 97.00	\$ 100.00	\$ 100.00	\$ 110.00	\$ 110.00	\$ 37.50	\$ 37.50	\$ 37.50	\$ 37.50	\$ 37.50	\$ 37.50
Stump Grinding-Front	Each	1	\$ 95.00	\$ 95.00	\$ 99.00	\$ 99.00	\$ 105.00	\$ 105.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00
Stump Grinding-Back	Each	1	\$ 195.00	\$ 195.00	\$ 200.00	\$ 200.00	\$ 225.00	\$ 225.00	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00
Subtotal - Section B			\$ 1,422.00	\$ 1,422.00	\$ 1,518.00	\$ 1,518.00	\$ 1,659.00	\$ 1,659.00	\$ 395.00	\$ 395.00	\$ 395.00	\$ 395.00	\$ 395.00	\$ 395.00
Emergency Services		40.00	\$ 290.00	\$ 11,600.00	\$ 320.00	\$ 12,800.00	\$ 390.00	\$ 15,600.00	\$ 200.00	\$ 8,000.00	\$ 200.00	\$ 8,000.00	\$ 200.00	\$ 8,000.00
TOTAL - SECTIONS A, B & C				\$ 153,072.00		\$ 160,712.00		\$ 173,409.00		\$ 81,470.00		\$ 81,470.00		\$ 81,470.00
City of Darien Parkway		Arborworks, LLC							Groundskeeper Landscape					
Fiscal Year		2014/2015		2015/2016		2016/2017		2014/2015		2015/2016		2016/2017		
DESCRIPTION	UNIT	PROPOSED UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
Tree Trimming	Each	1,750	\$ 67.00	\$ 117,250.00	\$ 69.00	\$ 120,750.00	\$ 71.07	\$ 124,372.50	\$ 57.14	\$ 99,995.00	\$ 58.57	\$ 102,497.50	\$ 60.02	\$ 105,035.00
Tree Removal per DBH	Per Inch	650	\$ 22.50	\$ 14,625.00	\$ 23.18	\$ 15,067.00	\$ 23.88	\$ 15,522.00	\$ 28.00	\$ 18,200.00	\$ 28.70	\$ 18,655.00	\$ 29.42	\$ 19,123.00
Misc Stump Removal	Each	85	\$ 68.00	\$ 5,780.00	\$ 70.00	\$ 5,950.00	\$ 72.01	\$ 6,120.85	\$ 90.00	\$ 7,650.00	\$ 92.00	\$ 7,820.00	\$ 94.30	\$ 8,015.50
Subtotal - Section A			\$ 157.50	\$ 137,655.00	\$ 162.18	\$ 141,767.00	\$ 166.96	\$ 146,015.35	\$ 175.14	\$ 125,845.00	\$ 179.27	\$ 128,972.50	\$ 183.74	\$ 132,173.50
DESCRIPTION	UNIT	UNITS	PRICE	TOTAL COST	PRICE	COST	PRICE	TOTAL COST	PRICE	COST	PRICE	COST	PRICE	TOTAL COST
Tree Trimming-Front Yard	Each	1	\$ 250.00	\$ 250.00	\$ 257.50	\$ 257.50	\$ 265.23	\$ 265.23	\$ 125.00	\$ 125.00	\$ 128.00	\$ 128.00	\$ 131.00	\$ 131.00
Tree Trimming-Back Yard	Each	1	\$ 400.00	\$ 400.00	\$ 412.00	\$ 412.00	\$ 424.36	\$ 424.36	\$ 150.00	\$ 150.00	\$ 154.00	\$ 154.00	\$ 158.00	\$ 158.00
Tree Removal per DBH (Front)	Per Inch	1	\$ 60.00	\$ 60.00	\$ 61.80	\$ 61.80	\$ 63.65	\$ 63.65	\$ 31.00	\$ 31.00	\$ 32.00	\$ 32.00	\$ 33.00	\$ 33.00
Tree Removal per DBH (Back)	Per Inch	1	\$ 80.00	\$ 80.00	\$ 82.40	\$ 82.40	\$ 84.87	\$ 84.87	\$ 39.50	\$ 39.50	\$ 40.50	\$ 40.50	\$ 41.50	\$ 41.50
Stump Grinding-Front	Each	1	\$ 100.00	\$ 100.00	\$ 103.00	\$ 103.00	\$ 106.09	\$ 106.09	\$ 120.00	\$ 120.00	\$ 123.00	\$ 123.00	\$ 126.00	\$ 126.00
Stump Grinding-Back	Each	1	\$ 200.00	\$ 200.00	\$ 206.00	\$ 206.00	\$ 212.18	\$ 212.18	\$ 140.00	\$ 140.00	\$ 143.00	\$ 143.00	\$ 147.00	\$ 147.00
Subtotal - Section B			\$ 1,090.00	\$ 1,090.00	\$ 1,122.70	\$ 1,122.70	\$ 1,156.38	\$ 1,156.38	\$ 605.50	\$ 605.50	\$ 620.50	\$ 620.50	\$ 636.50	\$ 636.50
Emergency Services		40.00	\$ 195.00	\$ 7,800.00	\$ 199.82	\$ 7,992.80	\$ 205.81	\$ 8,232.40	\$ 250.00	\$ 10,000.00	\$ 255.00	\$ 10,200.00	\$ 265.00	\$ 10,600.00
TOTAL - SECTIONS A, B & C				\$ 146,545.00		\$ 150,882.50		\$ 155,404.13		\$ 136,450.50		\$ 139,793.00		\$ 143,410.00

RESOLUTION NO. _____

A RESOLUTION AWARDING A CONTRACT TO HOMER TREE CARE, INC. IN AN AMOUNT NOT TO EXCEED \$78,075.00 FOR THE CITY'S 2014/15 TREE TRIMMING AND REMOVAL PROGRAM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: The City Council of the City of Darien hereby authorizing the Mayor to award a Contract to Homer Tree Care, Inc in an amount not to exceed \$78,075.00 for the City's 2014/15 tree trimming and removal program, a copy of which is attached hereto as "Exhibit A".

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

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6th day of October 2014.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6th day of October 2014.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM

CITY ATTORNEY

CITY OF DARIEN

CONTRACT

This Contract is made this _____ day of _____, 20__ by and between the City of Darien (hereinafter referred to as the "CITY") and _____ (hereinafter referred to as the "CONTRACTOR").

WITNESSETH

In consideration of the promises and covenants made herein by the CITY and the CONTRACTOR (hereinafter referred to collectively as the "PARTIES"), the PARTIES agree as follows:

SECTION 1: THE CONTRACT DOCUMENTS: This Contract shall include the following documents (hereinafter referred to as the "CONTRACT DOCUMENTS") however this Contract takes precedence and controls over any contrary provision in any of the CONTRACT DOCUMENTS. The Contract, including the CONTRACT DOCUMENTS, expresses the entire agreement between the PARTIES and where it modifies, adds to or deletes provisions in other CONTRACT DOCUMENTS; the Contract's provisions shall prevail. Provisions in the CONTRACT DOCUMENTS unmodified by this Contract shall be in full force and effect in their unaltered condition.

The Invitation to Bid

The Instructions to the Bidders

This Contract

The Terms and Conditions

The Bid as it is responsive to the CITY'S bid requirements

All Certifications required by the City

Certificates of insurance

Performance and Payment Bonds as may be required by the CITY

SECTION 2: SCOPE OF THE WORK AND PAYMENT: The CONTRACTOR agrees to provide labor, equipment and materials necessary to provide the services as described in the CONTRACT DOCUMENTS and further described below:

Unit Pricing for Tree Trimming, Removals and Stump Grinding within the City of Darien and Tree Trimming, Removals and Stump Grinding for Private Properties

(Hereinafter referred to as the "WORK") and the CITY agrees to pay the CONTRACTOR pursuant to the provisions of the Local Government Prompt Payment Act (50 ILCS 505/1 *et seq.*) the following amount for performance of the described unit prices.

SECTION 3: ASSIGNMENT: CONTRACTOR shall not assign the duties and obligations involved in the performance of the WORK which is the subject matter of this Contract without the written consent of the CITY.

SECTION 4: TERM OF THE CONTRACT: This Contract shall commence on the date of its execution. The WORK shall commence upon receipt of a Notice to Proceed and continue expeditiously for 30 days from that date until final completion. This Contract shall terminate upon completion of the WORK, but may be terminated by either of the PARTIES for default upon failure to cure after ten (10) days prior written notice of said default from the aggrieved PARTY. The CITY, for its convenience, may terminate this Contract with thirty (30) days prior written notice.

SECTION 5: INDEMNIFICATION AND INSURANCE: The CONTRACTOR shall indemnify and hold harmless the CITY, PARK DISTRICT, its officials, officers, directors, agents, employees and representatives and assigns, from lawsuits, actions, costs (including attorneys' fees), claims or liability of any character, incurred due to the alleged negligence of the CONTRACTOR, brought because of any injuries or damages received or sustained by any person, persons or property on account of any act or omission, neglect or misconduct of said CONTRACTOR, its officers, agents and/or employees arising out of, or in performance of any

of the provisions of the CONTRACT DOCUMENTS, including any claims or amounts recovered for any infringements of patent, trademark or copyright; or from any claims or amounts arising or recovered under the "Worker's Compensation Act" or any other law, ordinance, order or decree. In connection with any such claims, lawsuits, actions or liabilities, the CITY, its officials, officers, directors, agents, employees, representatives and their assigns shall have the right to defense counsel of their choice. The CONTRACTOR shall be solely liable for all costs of such defense and for all expenses, fees, judgments, settlements and all other costs arising out of such claims, lawsuits, actions or liabilities. The Contractor shall not make any settlement or compromise of a lawsuit or claim, or fail to pursue any available avenue of appeal of any adverse judgment, without the approval of the City and any other indemnified party. The City or any other indemnified party, in its or their sole discretion, shall have the option of being represented by its or their own counsel. If this option is exercised, then the Contractor shall promptly reimburse the City or other indemnified party, upon written demand, for any expenses, including but not limited to court costs, reasonable attorneys' and witnesses' fees and other expenses of litigation incurred by the City or other indemnified party in connection therewith. Execution of this Contract by the CITY is contingent upon receipt of Insurance Certificates provided by the CONTRACTOR in compliance with the CONTRACT DOCUMENTS.

SECTION 6: COMPLIANCE WITH LAWS: The bidder shall at all times observe and comply with all laws, ordinances and regulations of the federal, state, local and City governments, which may in any manner affect the preparation of bids or the performance of the Contract. Bidder hereby agrees that it will comply with all requirements of the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq., including the provision dealing with sexual harassment and that if awarded the Contract will not engage in any prohibited form of discrimination in employment as defined in that Act and will require that its subcontractors agree to the same restrictions. The contractor shall maintain, and require that its subcontractors maintain, policies of equal employment opportunity which shall prohibit discrimination against any employee or applicant for employment on the basis of race, religion, color, sex, national origin, ancestry, citizenship status, age, marital status, physical or mental disability unrelated to the individual's ability to perform the essential functions of the job, association with a person with a disability, or unfavorable discharge from military service. Contractors and all subcontractors shall comply with all requirements of the Act and of the Rules of the Illinois Department of Human Rights with regard to posting information on employees' rights under the Act. Contractors and all subcontractors shall place appropriate statements identifying their companies as equal opportunity employers in all advertisements for workers to be employed in work to be performed. Not less than the Prevailing Rate of Wages as found by the City of Darien or the Department of Labor shall be paid to laborers, workmen, and mechanics performing work under the Contract. If awarded the Contract, contractor must comply with all provisions of the Illinois Prevailing Wage Act, including, but not limited to, providing certified payroll records to the Municipal Services Department. Contractor and subcontractors shall be required to comply with all applicable federal laws, state laws and regulations regarding minimum wages, limit on payment to minors, minimum fair wage standards for minors, payment of wage due employees, and health and safety of employees. Contractor and subcontractor are required to pay employees all rightful salaries, medical benefits, pension and social security benefits pursuant to applicable labor agreements and federal and state statutes and to further require withholdings and deposits therefore. The CONTRACTOR shall obtain all necessary local and state licenses and/or permits that may be required for performance of the WORK and provide those licenses to the CITY prior to commencement of the WORK if applicable.

SECTION 7: NOTICE: Where notice is required by the CONTRACT DOCUMENTS it shall be considered received if it is delivered in person, sent by registered United States mail, return receipt requested, delivered by messenger or mail service with a signed receipt, sent by facsimile or e-mail with an acknowledgment of receipt, to the following:

City of Darien
1702 Plainfield Road
Darien, IL 60561

Attn: Director of Municipal Services

SECTION 8: STANDARD OF SERVICE: Services shall be rendered to the highest professional standards to meet or exceed those standards met by others providing the same or similar services in the Chicagoland area. Sufficient competent personnel shall be provided who with supervision shall complete the services required within the time allowed for performance. The CONTRACTOR'S personnel shall, at all times present a neat appearance and shall be trained to handle all contact with City residents or City employees in a respectful manner. At the request of the City Administrator or a designee, the CONTRACTOR shall replace any incompetent, abusive or disorderly person in its employ.

SECTION 9: PAYMENTS TO OTHER PARTIES: The CONTRACTOR shall not obligate the CITY to make payments to third parties or make promises or representations to third parties on behalf of the CITY without prior written approval of the City Administrator or a designee.

SECTION 10: COMPLIANCE: CONTRACTOR shall comply with all of the requirements of the Contract Documents, including, but not limited to, the Illinois Prevailing Wage Act where applicable and all other applicable local, state and federal statutes, ordinances, codes, rules and regulations.

SECTION 11: LAW AND VENUE: The laws of the State of Illinois shall govern this Contract and venue for legal disputes shall be DuPage County, Illinois.

SECTION 12: MODIFICATION: This Contract may be modified only by a written amendment signed by both PARTIES.

FOR: THE CITY

FOR: THE CONTRACTOR

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: Mayor

Title: _____

Date: _____

Date: _____

Vendor Information

The project is scheduled for a December 5, 2014 start date, and to be completed by no later than March 1, 2015. Two optional contract extensions may be considered and will be reviewed for recommendation by November of the respective subsequent year.

TO BE COMPLETED BY VENDOR

COMPANY NAME: Homer Tree Care, Inc.

CONTACT PERSON: Ryan Countryman

ADDRESS: 14000 S. Archer Avenue

CITY, STATE, ZIP CODE: Lockport, IL 60441

TELEPHONE NUMBER: Office 815-838-0320 Mobile 815-693-7439

FACSIMILE NUMBER: 815-838-0375

E-MAIL ADDRESS Ryan@homertree.com; Sheryl@homertree.com

AUTHORIZED SIGNATURE: 

Schedule of Prices – 2014/15

Item No.	Items	Unit	Quantity	Unit Price	Total
A	City of Darien Program				
A 1	Tree Trimming-Parkways	Each	1750	\$31.00	\$54,250.00
A 2	Tree Removal cost per DBH	Per Inch	100	\$18.50	\$1,850.00
A 3	Stump Removal	Each	20	\$80.00	\$1,600.00
	Sub-Total A1 – A3				\$57,700.00
B	Private Property Program				
B 1	Tree Trimming - Front Yard	Each	1	\$70.00	\$70.00
B 2	Tree Trimming - Back Yard	Each	1	\$135.00	\$135.00
B 3	Tree Removal cost per DBH - Front yard	Per Inch	1	\$27.50	\$27.50
B 4	Tree Removal cost per DBH - Back yard	Per Inch	1	\$37.50	\$37.50
B 5	Stump Grinding – Front Yard	Each	1	\$50.00	\$50.00 no clean u
B 6	Stump Grinding – Back Yard	Each	1	\$75.00	\$75.00 no clean u
	Sub-Total B1 – B6				\$395.00
C	Emergency Services				
C 1	2 man crew with operating equipment, bucket truck and 15 cubic yard capacity truck with a 100 hp brush chipper	Hourly	40	\$200.00	\$8,000.00
	Sub-Total C1				\$8,000.00
	Total Cost Sections A, B and C				\$66,095.00
	Bid Bond is 5% of Total Costs- Sections A,B and C				

The contract will be awarded on a Total Cost – All quantities are subject to decrease or increase.

AGENDA MEMO
Municipal Services Committee
September 22, 2014

ISSUE STATEMENT

A resolution to increase funding for the Residential Rear Yard Drainage Assistance Program in an amount of \$20,000.

BACKGROUND

Throughout the year, the City receives complaints regarding drainage issues within the rear lot lines/easements. The complaints are due to standing water that stems from active sump pumps, grading issues and mature landscaping. The areas further stay saturated throughout the season, thereby making it difficult to mow and maintain these areas and further creates conditions for mosquito breeding. The *City's Rear Yard Drainage Program* allows residents and the City to work together in resolving these nuisance ponding and drainage issues. The residents are required to commit the first \$1,000 to the project and the City will contribute up to \$5,000. Any additional costs above the City's contribution are shared by the residents of the project.

Typically, the City receives and completes approximately 5-7 of these projects per year and includes anywhere from 2 up to 6 property owners per project. This year Staff has received requests for 11 projects that range in costs from \$3,400 to \$14,000, (see attached spreadsheet labeled as Attachment A. This year's budget included \$26,000 for such projects. Based on the updated list of projects requested by residents this year, the City's cost would total approximately \$46,000.

Additional funds for these projects are available in the General Fund balance. The audited General Fund balance as of April 30, 2014, is higher than the estimate in the current budget by approximately \$400,000. Staff will request that the \$400,000 surplus, less the \$20,000 additional for the Rear Yard Drainage Program, be transferred to the Capital Projects Fund this year.

STAFF RECOMMENDATION

Since these projects are cost shared with residents, Staff is requesting approval of the increase funding for the Residential Rear Yard Drainage programs in an amount of \$20,000.

ALTERNATE CONSIDERATION

Not approving the resolution.

DECISION MODE

This item will be placed on the October 6, 2014, Administrative/Finance Committee for review. Due to the limited time to finish these projects this year, this request will be scheduled for formal approval at the October 6, 2014, City Council meeting as a new business item.

**City of Darien
Drainage Improvement Program**

				BUDGET	\$ 26,000.00	9/16/2014				
	Date	Project Name	Number of Participants	Total Resident Participation Cost	City Cost	Total Project Cost	Going or Scheduled	Completed	CITY COST FINAL TO DATE	ADDITIONAL CITY COST
1	5/13/2014	517 70th & 522 Maple	2	\$ 1,000.00	\$ 3,592.35	\$ 4,592.35	Going	Yes	\$ 3,592.35	N/A
2	5/16/2014	1925 71st, 1926 & 1930 72nd & 7105 Fairview	4	\$ 1,100.00	\$ 4,312.18	\$ 5,412.18	Going	Yes	\$ 4,312.18	N/A
3	5/28/2014	13 77th St	1	\$ 1,000.00	\$ 2,775.15	\$ 3,775.15	Going	Yes	\$ 2,775.15	N/A
4	4/30/2014	1422 77th & 1421 Sequoia Ln	2	\$ 1,000.00	\$ 5,000.00	\$ 6,000.00	Going	Working	\$ 5,000.00	N/A
5	5/28/2014	7302-7310 Richmond & 7301-7309 Bunker	3	\$ 5,600.00	\$ 5,000.00	\$ 10,600.00	Resident Review-Funding	REVISED	\$ -	\$ 5,000.00
6	4/21/2014	7348 Exner	1	\$ 1,000.00	\$ 2,933.98	\$ 3,933.98	Going	Yes	\$ 2,933.98	N/A
7	6/18/2014	3372 & 3384 Gilbert & 3373 Drover	3	\$ 1,700.00	\$ 5,000.00	\$ 6,700.00	Going	Working	\$ 5,000.00	N/A
8	6/20/2014	912, 921 & 925 Ironwood & 6918, 6926 & 7002 Sierra	6	\$ 3,350.00	\$ 5,000.00	\$ 8,350.00	Funding		\$ -	\$ 5,000.00
9	6/25/2014	1509-1513 Evergreen 1504 1508-1512 Winterberry	5	\$ 8,900.00	\$ 5,000.00	\$ 13,900.00	Funding		\$ -	\$ 5,000.00
10	7/25/2014	1624-1628 Golfview 8110 - 8112 Dickens	2	\$ 1,000.00	\$ 5,000.00	\$ 6,000.00	TO BE SCHEDULED		\$ -	\$ 5,000.00
11	7/28/2014	7105 Wirth - 7106 Summit	2	\$ 1,000.00	\$ 2,400.00	\$ 3,400.00	TO BE SCHEDULED		\$ 2,400.00	N/A
TOTALS				\$ 26,650.00	\$ 46,013.66	\$ 72,663.66			\$ 26,013.66	\$ 20,000.00

RESOLUTION NO. _____

A RESOLUTION TO INCREASE FUNDING FOR THE RESIDENTIAL REAR YARD DRAINAGE ASSISTANCE PROGRAM IN AN AMOUNT OF \$20,000.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: The City Council of the City of Darien hereby authorizing the Mayor to increase funding for the residential rear yard drainage assistance program in an amount of \$20,000.00.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6th day of October 2014.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 6th day of October 2014.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM

CITY ATTORNEY

**CITY OF DARIEN
MUNICIPAL SERVICES COMMITTEE
July 28, 2014**

PRESENT: Alderman Tina Beilke, Alderman Joerg Seifert, Michael Griffith - Senior Planner,
Dan Gombac – Director

ABSENT: Joseph Marchese – Chairperson, Elizabeth Lahey - Secretary

ESTABLISH QUORUM

Acting Chairperson Seifert called the meeting of the Municipal Services Committee to order at 6:00 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present.

NEW BUSINESS

- A. 1910 McAdam Road - Petitioner seeks approval of a variation to reduce the required interior side yard setback from 10 feet to 2 feet for a patio.**

Mr. Michael Griffith, Senior Planner reported that the petitioner wishes to reconstruct a patio on the side of his home. He reported that the PZC recommended approval and there was no one in the audience to comment.

Mr. Dan Gombac, Director reported that there are a handful of homes throughout the city with similar side yard patios. He stated the staff will consider ways to make it easier to deal with these homes.

There was no one in the audience wishing to present public comment.

Alderman Seifert made a motion, and it was seconded by Alderman Beilke that based upon the submitted petition and the information presented, the request associated with PZC 2014-05 is in conformance with the standards of the Darien City Code and move that the Municipal Services Committee recommend to the City Council approval of the petitioner as presented.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Marchese was not present.

- B. Workout Anytime, Brookhaven Plaza, 7516 Cass Avenue - Petitioner seeks approval of a minor PUD amendment to permit a 24-hour health club, fitness facility.**

Mr. Michael Griffith, Senior Planner reported that the petitioner wishes to open a 24-hour health club and fitness center in the location where the True Value was located. He reported that the proposed facility is a 7000 square foot gym.

The petitioner, Mr. Mike Mufarreh stated that there are two locations in Illinois. He stated that Workout Anytime is a franchised business based in Atlanta. Mr. Mufarreh

stated that there are presently 65 locations throughout the United States and only one facility has closed due to non-performance.

Mr. Mufarreh stated that the cost to join is \$15 per member and there are 1500 to 2500 members depending on the site. He stated that the peak hours are between 5:00 p.m. and 7:00 p.m. He stated that the facility is staffed from 7:00 a.m. – 10:00 p.m. and that the key card system allows clients to utilize the facility when not staffed, he stated there are emergency phones on the wall if there are any issues.

Mr. Gombac reported that staff has been in communication with Mr. Manos from the Brookhaven Plaza and feels that the fitness club will be a good asset for the center. He stated that there is interest in a retail store to take the other half.

Alderman Beilke asked if the center will offer fitness classes.

Mr. Mufarreh stated that there are no group classes but they are exploring the option.

Mr. Gombac questioned how often the equipment is updated.

Mr. Mufarreh stated that the cardio equipment is updated every five years and that all of the cardio equipment is rented for five years and that at the end of the contract, replaced for another five years.

There was no one in the audience wishing to present public comment.

Alderman Seifert made a motion, and it was seconded by Alderman Beilke that based upon the submitted petition, the proposed amendment to the Brookhaven PUD does meet the standards of the Darien Zoning Ordinance and move that the Municipal Services Committee recommend to the City Council approval of the petition as presented.

Upon voice vote, THE MOTION CARRIED unanimously 2-0.

C. Resolution - Wal-Mart expansion, 2189 75th Street, Darien Towne Centre: One Year Maintenance - placing this project on a 1-year maintenance and holding 10% of the original Letter of Credit amount for security.

Mr. Dan Gombac, Director reported that the developer is required to provide a one-year security in the amount of 10% of the original Letter of Credit for the guarantee of public improvements. He reported that upon completion, the one-year deposit is returned.

Alderman Beilke questioned what is going on with the other pad.

Mr. Gombac reported that he has been working with the new owner's representative and recently staff has had a couple of inquiries from brokers regarding the site. The brokers have not disclosed who the retailer is going to be.

There was no one in the audience wishing to present public comment.

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to approve Resolution - Wal-Mart Expansion, one year maintenance placing this

project on a 1-year maintenance and holding 10% of the original Letter of Credit amount for security.

Upon voice vote, THE MOTION CARRIED unanimously 2-0.

- D. Resolution - Authorizing the Mayor to accept a proposal from Christopher B. Burke Engineering, Ltd. in an amount not to exceed \$50,000.00 for the surveying, engineering and water modeling study of the open ditch and storm water conveyance system for Sawmill Creek - East and West leg.**

Mr. Dan Gombac, Director reported that the goal of the engineering evaluation is to review current conditions and elevations of the Sawmill Creek branches and compare them to the plans on file in 1974. He stated that the proposed engineering study would authorize Christopher B. Burke Engineering to proceed with surveying both legs of Sawmill Creek, including the existing storm sewer underdrain system and then conduct a water modeling study for 10, 50 and 100 year rain events.

Mr. Gombac stated that the evaluation will determine the scope of future improvements required and regulatory agency permitting requirements. He further stated that residents adjacent to the Creek will have an opportunity to have their homes surveyed for the purpose of preparing a FEMA Elevation Certificate for an additional \$850.00 per property.

Alderman Seifert questioned how many residents are being affected by this study.

Mr. Gombac reported that there are approximately 100 residents affected.

Mr. Gombac reported that the study was not put out for bid because of the ongoing floodway map revisions Christopher B. Burke Engineering and the City continue reviewing with the County of DuPage. There is a great amount of history that the consultant has along with existing water models provided by the County. He also reported that Christopher B. Burke Engineering has not increased their rates in ten years.

Alderman Seifert stated that the \$850.00 fee is not the lowest rate, but it is a convenience factor. He reported that by doing this, residents can be taken out of the flood insurance which could be up to \$1600 per year savings.

Mr. Gombac reported that without this study the City would be going in blindly for a proposed scope of future work. He stated that this report will assist staff in budgeting for the project.

Acting Chairperson Seifert opened the meeting for public comment.

A resident on 69th Street stated that 4% of his garage is in the flood plain. He stated that they continue to pay the insurance because there is water back there.

Mr. Gombac commented that the study will provide a review of whether additional water storage is required and whether future property buyouts are necessary.

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to approve authorizing the Mayor to accept a proposal from Christopher B. Burke

Engineering, Ltd. in an amount not to exceed \$50,000.00 for the surveying, engineering and water modeling study of the open ditch and storm water conveyance system for Sawmill Creek - East and West leg.

Upon voice vote, THE MOTION CARRIED unanimously 2-0.

E. Ordinance - prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method.

Mr. Dan Gombac, Director reported that the City of Darien received a request from BP to extend the current ordinance limiting groundwater wells from certain locations to an area adjacent to Route 83 and 75th Street. He reported that BP Amoco consultant is required to comply with the IEPA regulations as part of the remedial process. He further reported that should a resident construct a well on the property for groundwater, it may be hazardous due to the contamination from the former gas station site. Mr. Gombac reported that the affected area includes 7 parcels on 74th Street. He reported that there are no residents on a well in the area nor any businesses using well water.

There was no one in the audience wishing to present public comment.

Alderman Seifert made a motion, and it was seconded by Alderman Beilke to approve an Ordinance - prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method.

Upon voice vote, THE MOTION CARRIED unanimously 2-0.

F. Minutes – June 23, 2014 Municipal Services Committee

Mr. Gombac reported that there was a date change on the minutes and that he changed and initialed.

Alderman Beilke made a motion, and it was seconded by Alderman Seifert to approve the June 23, 2014 Municipal Services Committee Meeting Minutes.

Upon voice vote, THE MOTION CARRIED unanimously 2-0.

DIRECTOR'S REPORT

Mr. Gombac reported that he received renderings for the Darien Towne Center as a sample of what the tower will look like. He reported that the cost of the rendering was \$350 by Batistich Architects as pro bono. He further reported that the rendering provides a visual of the proposed amenity scheduled for Plainfield Road and Cass Avenue.

Mr. Gombac provided a report on the ditch projects for 68th Street and Capitol Drive. He reported that preliminary projections indicate that both projects are going over budget and pending review of the final scope to complete them staff would be bringing the item to the City Council. Mr. Gombac also informed the Committee that Gail Avenue was realizing a cost savings of approximately \$25,000.

a. Liquor Licenses - current holders

Mr. Gombac reported that staff provided a summary of Liquor Licenses to the Committee.

The Committee discussed the inventory of liquor licenses, restrictions, and transfers as it relates to an establishment closing.

Alderman Beilke stated that the liquor licenses have grown in the last ten years especially with gaming.

Mr. Gombac stated that staff would like to continue reviewing each license through the current process on a case by case basis. The Committee concurred with the recommendation to review each case on its own merits.

b. Basins – Weed control

Mr. Gombac distributed a FAQ sheet regarding weed control to the Committee. He stated that staff would like to provide a report for all the facilities, including right of ways currently being mowed or maintained through agreements and bring the inventory back to the workshop session in October.

Mr. Gombac reported that he would like everyone to review the FAQ and provide comments regarding applications.

NEXT SCHEDULED MEETING

Acting Chairperson Seifert announced that the next regular meeting is scheduled for Monday, August 25, 2014 at 6:30 p.m.

ADJOURNMENT

With no further business before the Committee, Alderman Seifert made a motion and it was seconded by Alderman Beilke to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:00 p.m.

RESPECTFULLY SUBMITTED:

Joseph Marchese
Chairman

Tina Beilke
Alderman

Joerg Seifert
Alderman

**MINUTES
CITY OF DARIEN
MUNICIPAL SERVICES COMMITTEE
SPECIAL MEETING
August 18, 2014**

PRESENT: Joseph Marchese - Chairperson, Alderman Tina Beilke, Alderman Joerg Seifert, Bryon Vana - City Administrator, Michael Coren – Treasurer, Dan Gombac – Director

ABSENT: None

ESTABLISH QUORUM

Chairperson Marchese called the meeting of the Municipal Services Committee to order at 6:25 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present.

NEW BUSINESS

A. Resolution - To add quantities for the Capitol Drive, 68th Street and Iris Road Ditch Maintenance Projects in an amount not to exceed \$190,000.00.

Mr. Dan Gombac, Director reported that he handed out a cost break down sheet. He reported that he is looking for additional funding for Capitol Drive, 68th Street and Iris Road. Mr. Gombac reported that the above projects encountered cost overruns due to unidentified field conditions thus requiring additional material and labor costs.

Mr. Gombac provided the Committee with an overview and presented a Power Point presentation. He stated that additional piping such as pressure pipe is needed to meet IEPA Water Main clearances. In addition reinforced concrete pipe was required to prevent the pipe from uplifting.

Mr. Gombac reported that Gail Avenue was completed earlier this year and that there is approximately a \$20,000 savings. He stated that the Committee received a summary sheet with the breakdown costs of each of the maintenance projects in an amount not to exceed \$190,000.

Alderman Seifert questioned the cost per quantity and that it varies. He also questioned the difference in stone costs between Capitol Drive and 68th Street.

Mr. Gombac reported that the pricing is for different types of piping and that the stone pricing includes rip rap making the pricing different.

Chairperson Marchese stated that he was amazed by the trucking costs and the increase.

Mr. Gombac reported that he cut back on his estimate for trucking and due to construction activity outside of the City, the hauling times were increased. Mr. Gombac stated that staff will re-evaluate the trucking estimate for next year.

Chairperson Marchese stated that this is the first in a long time that staff has had to come back to the Committee for additional money. He suggested putting something in place for the future.

Mr. Gombac reported that he is going to suggest utilizing Scorpio's expertise to provide input for future projects.

Mr. Michael Coren, Treasurer questioned if there is money available from Oldfield Road.

Mr. Gombac reported that the final layout work has been completed for Oldfield Road and no additional savings are realized at this time. He further reported that there may be additional cost savings from the Road Program in the amount of \$10,000 - \$14,000. The estimates are preliminary as the invoices from the vendors are trickling in.

Alderman Beilke stated that she agreed with Chairperson Marchese to look at this going forward and keep this in mind.

Mr. Bryon Vana, City Administrator reported that the Reserve Balance is designated for such projects. He further stated that the audit is approaching and that there may be some additional money.

Mr. Coren stated that we need to take a closer look at what is needed and be a little more careful.

There was no one in the audience wishing to present public comment.

Alderman Beilke made a motion, and it was seconded by Alderman Seifert to recommend to the City Council approval of a Resolution to add quantities for the Capitol Drive, 68th Street and Iris Road Ditch Maintenance Projects in an amount not to exceed \$190,000.00.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

ADJOURNMENT

With no further business before the Committee, Alderman Seifert made a motion and it was seconded by Alderman Beilke to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 6:55 p.m.

RESPECTFULLY SUBMITTED:

Joseph Marchese
Chairman

Tina Beilke
Alderman

Joerg Seifert
Alderman

**CITY OF DARIEN
MUNICIPAL SERVICES COMMITTEE
August 25, 2014**

PRESENT: Joseph Marchese - Chairperson, Alderman Joerg Seifert, Michael Griffith - Senior Planner, Dan Gombac – Director, Elizabeth Lahey - Secretary

ABSENT: Alderman Tina Beilke

ESTABLISH QUORUM

Chairperson Marchese called the meeting of the Municipal Services Committee to order at 6:00 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present,

NEW BUSINESS

- A. 7331 Lester Lane - Petitioner seeks approval of a variation to reduce the required front yard setback from 35 feet to 30 feet in order to construct a covered front porch.**

Mr. Michael Griffith, Senior Planner reported that the petitioner is requesting a variation to reduce the required front yard setback from 35 feet to 30 feet in order to construct a covered front porch. He reported that the PZC held a public hearing and that there were no issues or questions. He reported that drawings were provided in the packet.

There was no one in the audience wishing to present public comment.

Alderman Marchese made a motion, and it was seconded by Alderman Seifert that based upon the submitted petition and the information presented, the request associated with PZC 2014-06 is in conformance with the standards of the Darien City Code and move that the Municipal Services Committee recommend to the City Council approval of the petitioner as presented.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Beilke was not present.

- B. 2601 75th Street, Mi Hacienda - Petitioner seeks approval of a variation to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining.**

Chairperson Marchese announced that this item was removed from the agenda.

There was no one in the audience wishing to present public comment.

- C. Resolution - Approval of a Supplemental Illinois Department of Transportation Resolution, (IDOT BLR 14230) authorizing the expenditure of Motor Fuel Tax (MFT) Funds for the FY 2013-2014 General Maintenance-for labor from snow removal in an amount not to exceed \$20,038.32.**

Mr. Dan Gombac, Director reported that the City is required to provide IDOT an annual expenditure close out report as it relates to the Motor Fuel Tax expenditures. The supplemental resolution recognizes that the salaries, due to the recent winter operations, were slightly over than was proposed.

There was no one in the audience wishing to present public comment.

Alderman Marchese made a motion, and it was seconded by Alderman Seifert to approve a Supplemental Illinois Department of Transportation Resolution, (IDOT BLR 14230) authorizing the expenditure of Motor Fuel Tax (MFT) Funds for the FY 2013-2014 General Maintenance-for labor from snow removal in an amount not to exceed \$20,038.32.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Beilke was not present.

D. Resolution - Authorizing the Mayor to accept a proposal from Superior Road Striping in an amount not to exceed \$6,105.00 for the 2014 Street Striping Program.

Mr. Dan Gombac, Director reported that this Resolution is for road striping and maintenance throughout town. He reported that a quantity schedule was provided in the packet.

Chairperson Marchese stated that he found the pricing to be interesting and how it was broken down.

There was no one in the audience wishing to present public comment.

Alderman Seifert made a motion, and it was seconded by Alderman Marchese to approve a Resolution authorizing the Mayor to accept a proposal from Superior Road Striping in an amount not to exceed \$6,105.00 for the 2014 Street Striping Program.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Beilke was not present.

E. Resolution - Accepting the unit price proposal from Beary Landscaping for the purchase and installation of the 50/50 Parkway Tree program and the planting of various parkway trees in an amount not to exceed \$114,081.00.

Mr. Dan Gombac, Director reported that this Resolution is for the City's 2014 Tree Planting Program for the purchase of 357 parkway tree replacements which includes the 50/50 program. He reported that once approved, residents will be notified and that they will have to be in contact with the vendor.

Mr. Gombac stated that the City will advertise the tree planting through all of the media portals.

There was no one in the audience wishing to present public comment.

Alderman Seifert made a motion, and it was seconded by Alderman Marchese to approve a Resolution accepting the unit price proposal from Beary Landscaping for the purchase and installation of the 50/50 Parkway Tree program and the planting of various parkway trees in an amount not to exceed \$114,081.00.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Beilke was not present.

F. Resolution - Accepting a proposal from United Septic, Inc. for the Cleaning and Televising of the Sawmill Creek Underdrain System.

Mr. Dan Gombac, Director reported that the proposed work is part two of the Sawmill Creek engineering evaluation. The jetting, cleaning televising of the existing infrastructure will provide staff information to budget for any infrastructure deficiencies identified. He reported that the bid prices were over budget and that United Septic, Inc. reviewed their cost to stay within the City's FY2014/15 budget. Mr. Gombac reported that the proposal was attached.

Alderman Seifert questioned the discrepancy in pricing.

Mr. Gombac reported that vendors are busy, especially due to the recent EPA requirements as they relate to storm water regulations.

There was no one in the audience wishing to present public comment.

Alderman Seifert made a motion, and it was seconded by Alderman Marchese to approve a Resolution accepting a proposal from United Septic, Inc. for the Cleaning and Televising of the Sawmill Creek Underdrain System.

Upon voice vote, THE MOTION CARRIED unanimously 2-0. Alderman Beilke was not present.

G. Minutes – July 28, 2014 Municipal Services Committee

Chairperson Marchese announced that the meeting minutes would be approved at the September meeting.

DIRECTOR'S REPORT

Mr. Dan Gombac, Director, reported that he has been in contact with DuPage County regarding maintenance of the tributary creeks in town. The issue is to clarify the County's responsibility as it relates to creek/stream bank maintenance. As of the report date, staff is waiting for a reply from the County. Staff also recently completed a survey for the County regarding expanding the County's role for creek and stream bank maintenance. The results of the survey may suggest a future impact fee for the expansion of such services

Chairperson Marchese suggested that this needs to be built into the budget like the tree program.

Mr. Gombac stated that a policy needs to be created and a contract in place.

Alderman Seifert questioned what is happening with the signage at Chase.

Mr. Gombac reported that he reached out to the Chase contacts and that the request was declined. He stated that staff is working on a draft letter to the CEO of Chase.

Chairperson Marchese discussed Our Lady of Peace parking lot campaign and provided feedback of recent conversations regarding the parking lot.

NEXT SCHEDULED MEETING

Chairperson Marchese announced that the next regular meeting is scheduled for Monday, September 22, 2014 at 6:30 p.m.

ADJOURNMENT

With no further business before the Committee, Alderman Marchese made a motion and it was seconded by Alderman Seifert to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 7:00 p.m.

RESPECTFULLY SUBMITTED:

Joseph Marchese
Chairman

ABSENT
Tina Beilke
Alderman

Joerg Seifert
Alderman