

AGENDA
Municipal Services Committee
April 23, 2012
6:30 P.M. – Council Chambers

- 1. Call to Order & Roll Call**
- 2. Establishment of Quorum**
- 3. New Business**
 - a. 1417 Sequoia Lane** – Petitioner seeks approval of a variation to reduce the required setback for a driveway from 5 feet to 0 feet, related to the construction of a detached garage in the rear yard.
 - b. 8245 Lemont Road, Chicago Tower Leasing** – Petitioner seeks a special use in order to expand an existing private utility facility within the OR&I zoning district, and a variation in order to construct a 200-foot tower where 60 feet is the maximum permitted.
 - c. Resolution** – Accept a proposal for the purchase of rock salt from North American Salt Company in an amount not to exceed \$195,681.50
 - d. Resolution** – Authorize the purchase of two (2) new fuel dispensers, Option-A, Option-B and installation from Crowne Industries in an amount not to exceed \$15,700.00
 - e. Resolution** – To enter into an engineering agreement with Christopher B. Burke Engineering for the City Entrance Monument Signs in an amount not to exceed \$18,000.00 for the DuPage County permitting
 - f. Resolution** – Illinois Department of Transportation authorizing the expenditure of Motor Fuel Tax Funds
 - g. Discussion** – Emerald Ash Borer update
 - h. Minutes** – March 26, 2012 – Municipal Services Committee
- 4. Director’s Report**
- 5. Next scheduled meeting** – Tuesday, May 29, 2012.
- 6. Adjournment**

AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
MEETING DATE: April 23, 2012

Issue Statement

PZC 2012-04: **1417 Sequoia Lane:** Petitioner seeks approval of a variation to reduce the required setback for a driveway from 5 feet to zero feet, related to the construction of a detached garage in the rear yard.

Applicable Regulations: Zoning Ordinance: Section 5A-11-3(A)(4): Driveway Requirements, Minimum Distance from Property Line.

General Information

Petitioner/Property Owner: Dave and Soni Macy
 1417 Sequoia Lane
 Darien, IL 60561

Property Location: 1417 Sequoia Lane

PIN: 09-28-403-015

Existing Zoning: R-2 Single-Family Residence

Existing Land Use: Single-family home, detached

Surrounding Zoning and Land Use:

North: R-2 Single-Family Residence – single-family, detached homes
 South: R-2 Single-Family Residence – single-family, detached homes
 East: R-2 Single-Family Residence – single-family, detached homes
 West: R-2 Single-Family Residence – single-family, detached homes

Comprehensive Plan Update: Low Density Residential

History: None.

Size of Property: 9,100 square feet

Floodplain: None.

Natural Features: None

Transportation: Property has frontage on Sequoia Lane.

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 Associated Surveyors and Civil Engineers.
2. Site Plan/Building Plan, 2 sheets, prepared by Tromp architects, dated December 7, 2011.

Planning Overview/ Discussion

The subject property is located on the south side of Sequoia Lane, west of Adams Street.

The petitioner proposes to construct a detached garage in the rear yard, and to extend their driveway through their west interior side yard into the rear yard to the garage. The proposed garage as shown on the plans complies with the Zoning Ordinance.

The plat of survey shows an interior side yard of 10 feet. The proposed driveway would extend to the lot line, where the Zoning Ordinance requires a 5-foot setback. The survey shows there is not enough room to accommodate a driveway and meet the required setback.

It is not uncommon in this area of Darien to have driveways less than 5 feet from the side lot line. Currently, the home has a single-car, attached garage.

The proposed driveway would not encroach into an easement, according to the plat of survey.

Staff is working with the petitioner and a neighbor on a rear yard drainage project related to the construction of the garage. Staff does not think the driveway will cause a drainage problem.

The following are the variation criteria to consider:

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

The proposed variation does not adversely alter the essential character of the property, nor will it impair the adequate supply of light and air in adjacent property, substantially increase congestion in the public streets or 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 2012-04 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission recommend approval of the petition as presented.

Planning and Zoning Commission Review – April 18, 2012

The Planning and Zoning Commission considered this matter at its meeting on April 18, 2012. The following members were present: Beverly Meyer – Chairperson, Ronald Kiefer, John Lind, Louis Mallers, Raymond Mielkus, Pauline Oberland, Kenneth Ritzert, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Members absent: Donald Hickok, Susan Vonder Heide

Michael Griffith, Senior Planner, reviewed the staff agenda memo. He stated the petitioner is proposing to construct a detached garage within the rear yard and extend the drive way through the side yard to the garage. He stated the proposed garage complies with the Zoning Ordinance, but that the petitioner is seeking a variation to place the driveway at the property line. He stated the Zoning Ordinance requires driveways to be at least 5 feet from a side lot line.

Mr. Griffith stated he received a couple of phone calls when the public hearing sign was posted, and once the matter was explained, the callers did not state any objections.

Commissioner Mallars asked if they had an existing attached garage.

Mr. Griffith stated yes, he believes they do.

Chairperson Meyer stated she spoke to Dan Gombac, Director of Community Development, and he confirms there is not a drainage issue related to the driveway.

Soni Macy, the petitioner, stated she has an email from their neighbor to the west stating they do not object to the driveway. She stated they are working with the City on a drainage project related to the construction of the garage.

Commissioner Mielkus asked if the gas meter would be relocated.

Ms. Macy stated they are considering relocating the gas meter, but there will be enough room if it remains as is.

Mr. Griffith stated aerial photos show similar driveway locations within the neighborhood.

There was no one else from the public to offer comments.

Without further discussion, Commission Mallars made the following motion, seconded by Commissioner Kiefer:

Based upon the submitted petition and the information presented, the request associated with PZC 2012-04 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission recommend approval of the petition as presented.

Upon a roll call vote, THE MOTION CARRIED by a vote of 7-2.

(Commissioners Hickok and Vonder Heide were absent.)

Municipal Services Committee – April 23, 2012

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

Based upon the submitted petition and the information presented, the request associated with PZC 2012-04 is in conformance with the standards of the Darien City Code and, therefore, I move the Municipal Services Committee recommend approval of the petition as presented.

Decision Mode

The Planning/Zoning Commission considered this item at its meeting on April 18, 2012.
The Municipal Services Committee will consider this item at its meeting on April 23, 2012.

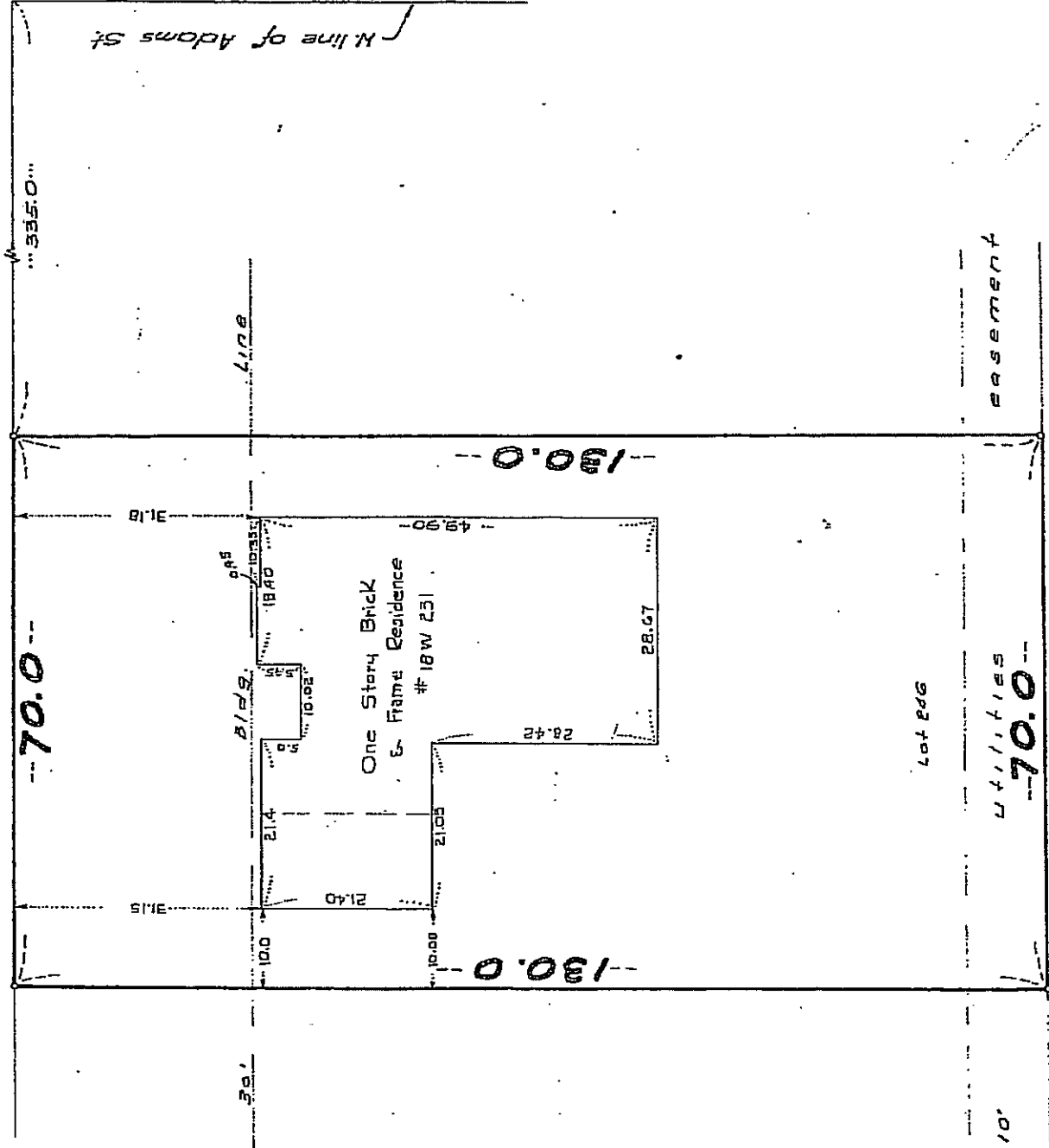
1/16" = 10'	1/32" = 5'
1/8" = 20'	3/32" = 4.5'
3/16" = 4.5'	1/16" = 1.5'
1/4" = 10'	3/64" = 4.5"
5/16" = 7.5'	1/32" = 1.5"
3/8" = 15'	1/64" = .75"
7/16" = 22.5'	1/128" = .375"
1/2" = 45'	1/256" = .1875"
5/8" = 67.5'	1/512" = .09375"
3/4" = 135'	1/1024" = .046875"
7/8" = 202.5'	1/2048" = .0234375"
1" = 405'	1/4096" = .01171875"

EARL M. SMITH & ASSOCIATES
(and-or)
PLAT OF SURVEY OF

LOT 246 IN BROOKHAVEN MANOR, A SUBDIVISION IN SECTIONS 27 AND 28, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

76th

PLACE



Note: Iron pipe at all lot corners

ORDERED BY M.H. Braun & F.M. Ridridge

OWNER _____

SURVEY NO. 21215-246 LOAN NO. _____

FIELD BOOK _____ PAGE _____

SCALE 1" = 16' FEET

NOTE—All stakes, marks, etc., used hereon should be carefully identified and compared with each other upon the ground, by the builders, in order to prevent the possibility of error or misunderstanding. All such stakes and marks should be used in connection with all the others, and with this plat. No dimensions should be assumed by scale measurements upon this plat. Dimensions given in feet and inches are marked with usual signs, thus 24' 0" meaning 24 feet 0 inches. Dimensions given in feet and decimals are marked by the decimal point, thus 24.0 meaning 24 feet 0 inches. Any discrepancy in measurement discovered upon the ground, should be promptly reported to the Surveyor for explanation or correction. House numbers if any shown on this plat are as given in order as found in field and the surveyor assumes no liability for house numbers.

For building line restrictions consult your deed or abstract.

State of Illinois }
County of Cook } SS

Earl M. Smith & Associates hereby certify that they have located the Blk on the above plat of survey and that the same is correctly shown on said plat.

CHICAGO, ILLINOIS 1961
Earl M. Smith & Associates

By Earl M. Smith REGISTERED ILLINOIS LAND SURVEYOR #108

State of Illinois }
County of Cook } SS

Earl M. Smith & Associates hereby certify that they have surveyed the above described property and that the plat hereon drawn is a correct representation of same. All dimensions given in feet and decimal parts thereof and correct at 68° Fahrenheit.

CHICAGO, ILLINOIS 1962
Earl M. Smith & Associates

By Earl M. Smith REGISTERED ILLINOIS LAND SURVEYOR #108

ELEC./MECH. LEGEND

- SURFACE WALL MTD. FIXTURE
- DUPLEX OUTLET
- GROUND FAULT INTERRUPTER OUTLET
- SINGLE POLE SWITCH
- 3-WAY SWITCH

DESIGN LOADS

- ROOF LOADS:**
 LIVE LOAD: 25 psf
 DEAD LOAD: 10 psf
TOTAL LOAD: 35 psf

- ATTIC W/OUT STORAGE: 10 psf**
ATTIC W/ STORAGE: 20 psf

MATERIAL SPECIFICATIONS, STANDARDS & GRADES

MATERIALS:

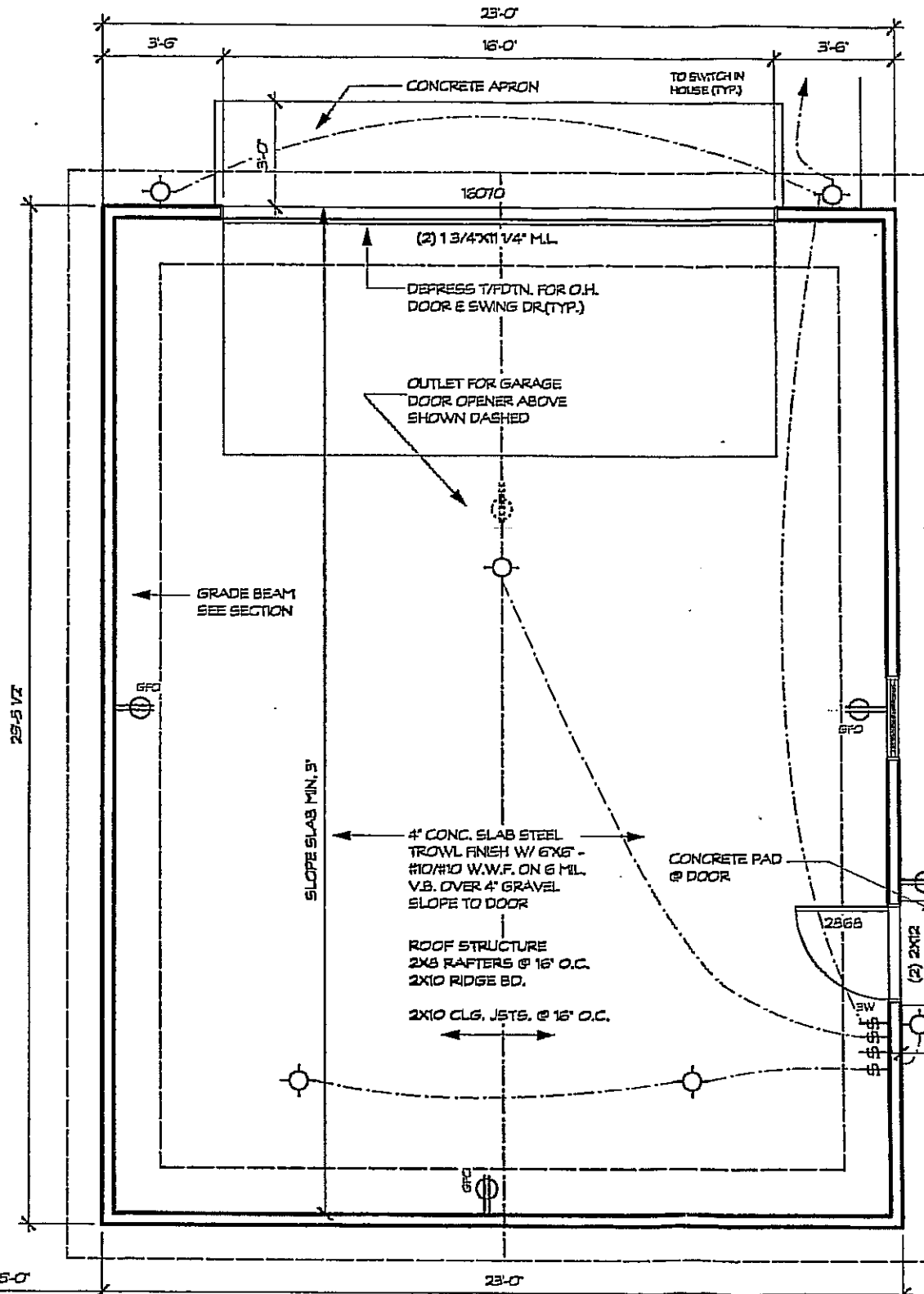
- WOOD FRAMING:**
 LUMBER SPECIES: SPRUCE-PINE-FIR GRADE 2
 F_b = 1000 psi
 F_v = 70 psi
 E = 1,200,000 psi

- STUD SPECIES: SPRUCE-PINE-FIR GRADE STUD**
 F_b = 550 psi
 F_v = 70 psi
 E = 1,200,000 psi

- LVL MATERIAL:**
 F_b = 2600 psi
 F_v = 255 psi
 E = 1,800,000 psi

- CONCRETE:**
 f_c = 3000 psi AT 28 DAYS
 f_y = 60 ksi ASTM A615 GRADE 60
 CONCRETE SHALL BE AIR ENTRAINED (3% MIN. TO 7% MAX.)

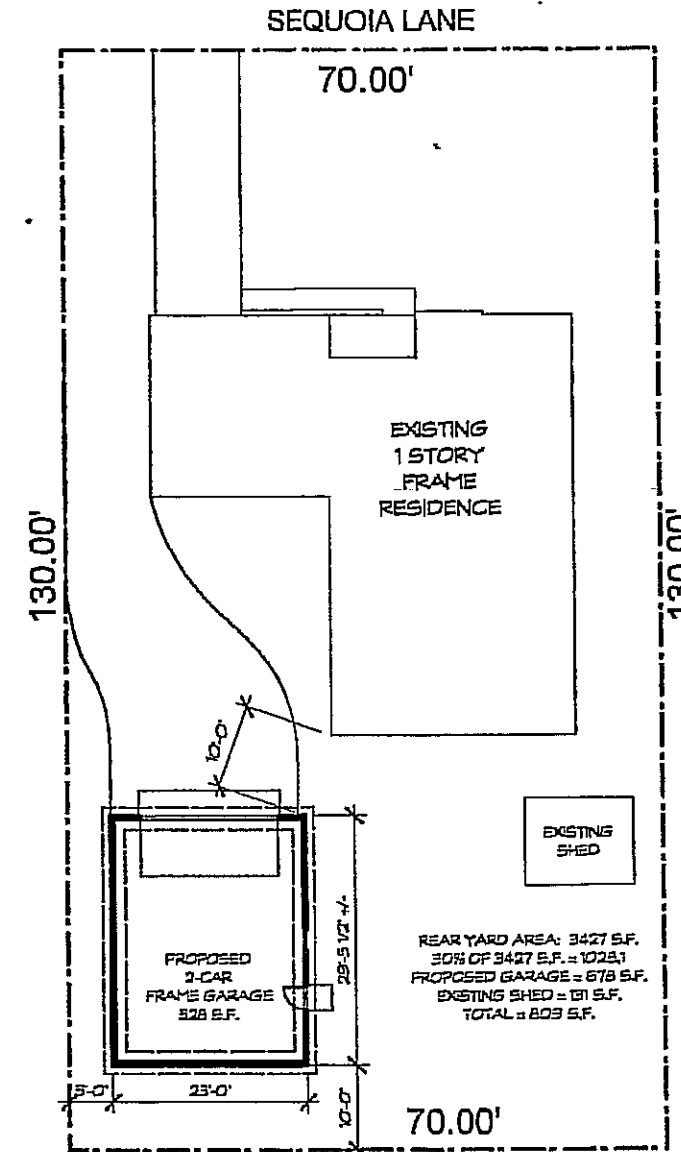
- FOUNDATIONS:**
 G_c = 3000 psf



1 GARAGE FLOOR PLAN
 Scale: 1/4" = 1'-0"

FOUNDATION NOTES:
 - THE MINIMUM COMPRESSIVE STRENGTH OF CONCRETE FOR FOOTINGS, FOUNDATION WALLS & SLABS SHALL 3,000# AT 28 DAYS. CONCRETE SHALL BE AIR-ENTRAINED, 5% (MIN.) TO 7% (MAX.)

MACY RESIDENCE
 1417 SEQUOIA LANE, DARIEN, IL



SITE PLAN
 SCALE: 1" = 15'-0"

LICENSE EXPIRATION DATE: 11/30/12

I HEREBY CERTIFY THAT THESE DRAWINGS WERE DONE UNDER MY DIRECT SUPERVISION & TO THE BEST OF MY KNOWLEDGE CONFORM TO CODES & LOCAL ORDINANCES OF THE VILLAGE OF DARIEN

MACY RESIDENCE
 1417 SEQUOIA LANE, DARIEN, IL

Tromp architects
 Tromp architects
 4711 Willow Springs Rd., Ste. #8 La Grange, IL 60525
 tromparchitects@ebcjobal.net
 Tel. (708) 588-1858 Fax. (708) 588-1957

DATE: 12/07/11

SCALE: AS NOTED

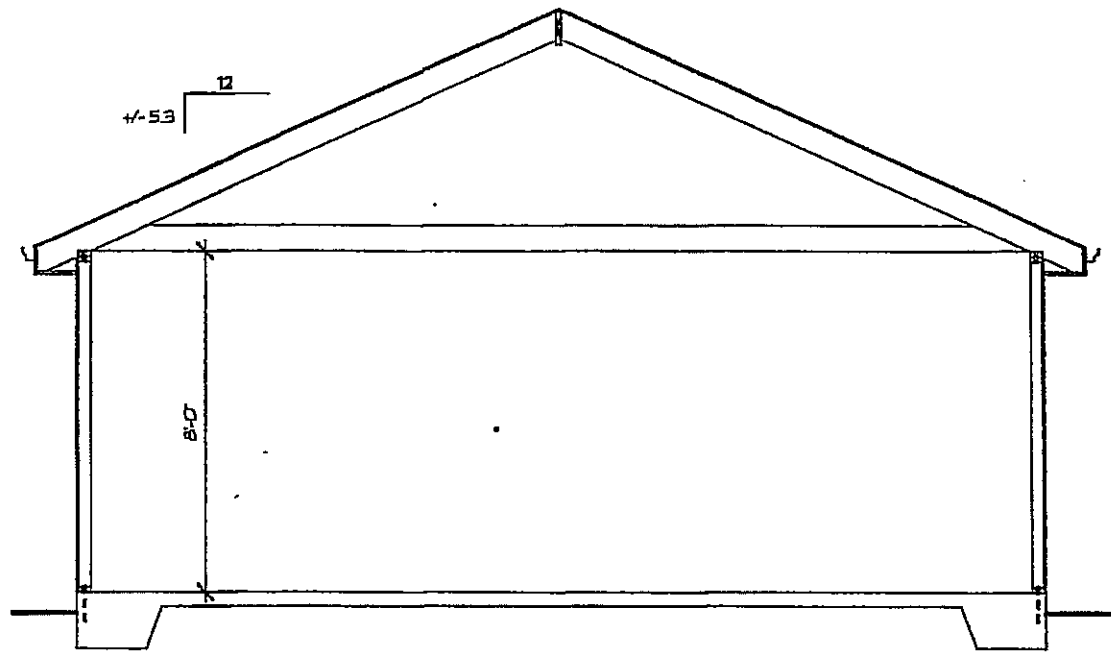
DRAWN: PT

211202

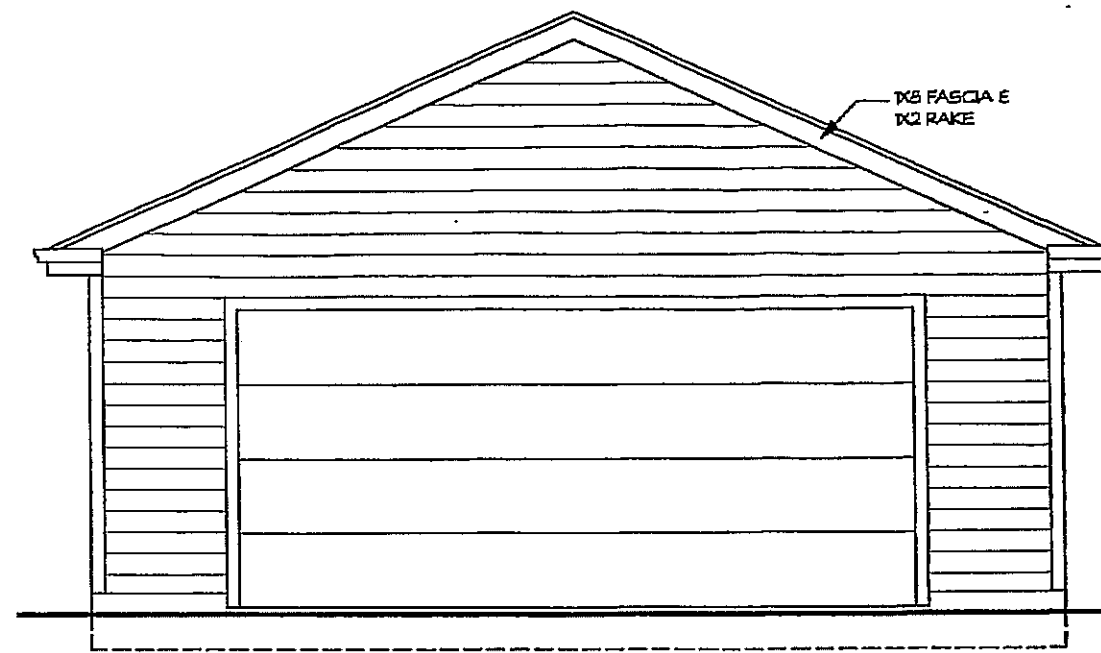
SHEET: A1

OF 2 SHEETS

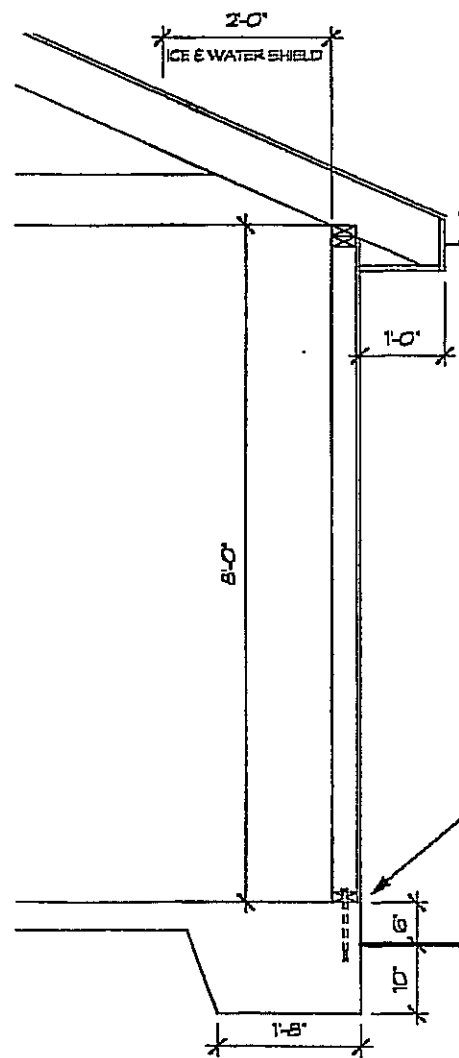
REAR YARD AREA: 3427 S.F.
 30% OF 3427 S.F. = 1028.1
 PROPOSED GARAGE = 528 S.F.
 EXISTING SHED = 171 S.F.
 TOTAL = 803 S.F.



3 BUILDING SECTION
Scale: 1/4" = 1'-0"



2 FRONT ELEVATION
Scale: 1/4" = 1'-0"
REAR SIMILAR



MATCH EXISTING HOUSE SOFFIT MATERIAL W/ ALUM. GUTTERS & D.S.

ROOF CONSTRUCTION

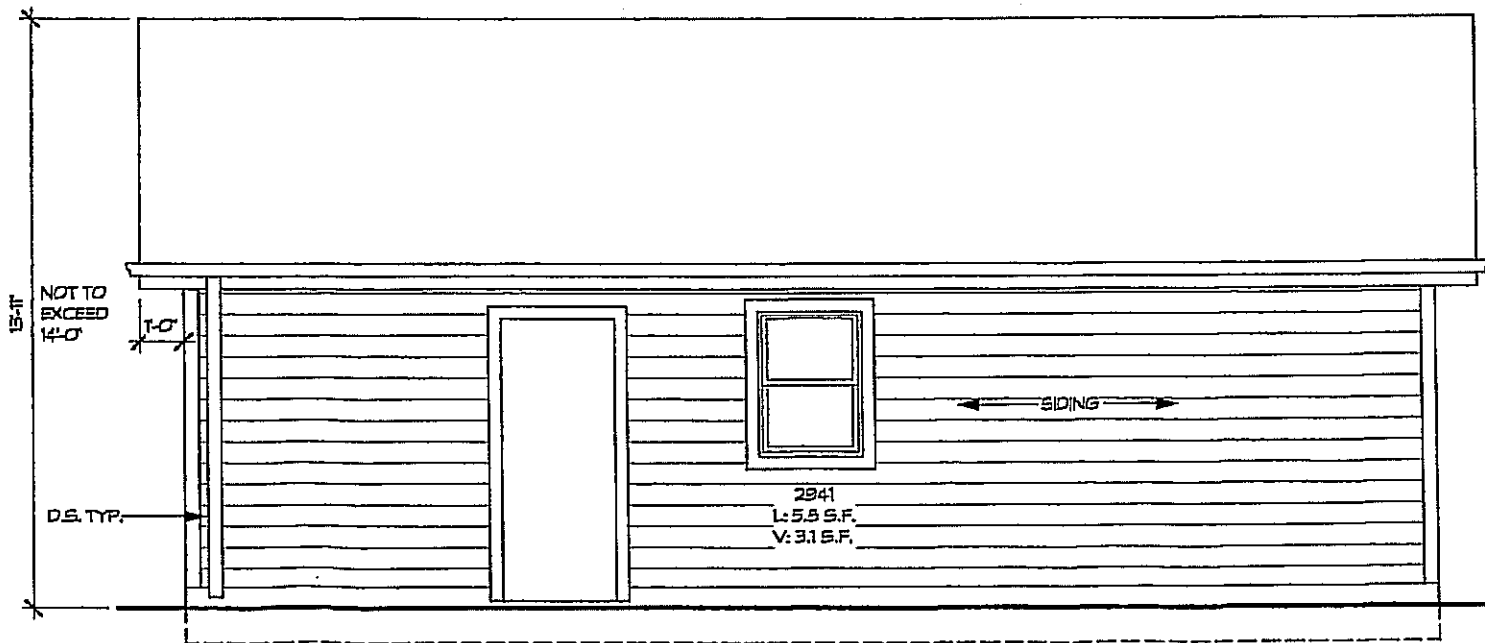
- 235 # ASPHALT SHINGLES
- 15# FELT
- ICE & WATER SHIELD @ EAVE PERIMETER
- 1/2" CDX PLYWD. SHEATHING
- ROOF STRUCT. SEE PLAN

WALL CONSTRUCTION

- SIDING
- TYVEK OVER 1/2" OSB SHEATHING
NOTE: PROVIDE 1/2" PLYWOOD 4 FT. WIDE @ ALL CORNERS
- 2X4 STUDS @ 16" O.C. W/ DBL T/PLATE

WOLM, 2X4 SILL PLATE SET IN SILL SEALER W/ 1/2" DIA. X 8" A.B.S @ 72" (MAX.) O.C., 1'-0" FROM EA. CORNER, & MIN. 2 A.B. PER EA. SILL PIECE NUTS & WASHERS TO BE TIGHTENED

4 WALL SECTION
Scale: 1/2" = 1'-0"



1 LEFT SIDET ELEVATION
Scale: 1/4" = 1'-0"
RIGHT SIDE SIMILAR

MACY RESIDENCE
1417 SEQUOIA LANE, DARIEN, IL

Tromp architects
Tromp architects

4711 Willow Springs Rd. Ste. #8 La Grange, IL 60525
tel. (708) 588-1950 tromparchitects@ahcglobal.net fax. (708) 588-1857

DATE	12/07/11
SCALE	AS NOTED
DRAWN	PT
JOB	211202
SHEET	A 2
OF	2 SHS.

AGENDA MEMO
MUNICIPAL SERVICES COMMITTEE
MEETING DATE: April 23, 2012

Update, with the most recent Planning and Zoning Commission review/recommendation, begins on page 12

Issue Statement

- PZC 2012-03: 8245 Lemont Road, Chicago Tower Leasing:** Petitioner seeks a special use in order to expand an existing private utility facility within the OR&I zoning district, and a variation in order to construct a 200-foot tower where 60 feet is the maximum permitted.
- Applicable Regulations: Zoning Ordinance, Section 5A-9-3-4: Special Uses, OR&I zoning district.
 Zoning Ordinance, Section 5A-5-12(C): Height Limitations, Transmitting towers.

General Information

- Petitioner/
 Property Owner: Stanley Stann
 Chicago Tower Leasing Corp.
 105 Murphy Lake Road
 Park Ridge, IL 60068
- Property Location: 8245 Lemont Road
- PIN: 09-32-106-021
- Existing Zoning: OR&I Office, Research and Light Industry
- Existing Land Use: Private utility facility, wireless transmission tower
- Surrounding Zoning and Land Use:
- North: R-3 Multi-Family Residence – townhomes
 South: OR&I Office, Research and Light Industry – detention
 East: OR&I Office, Research and Light Industry – detention
 West: OR&I Office, Research and Light Industry – auto repair facility

Comprehensive Plan Update: Low-Density Residential

History: None

Size of Property: 13,902 square feet
Floodplain: None
Natural Features: None
Transportation: Property has frontage on a private road, off of Lemont Road.

Documents Submitted

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

1. Plat of Survey/site plan, one sheet, prepared by Nelson Surveyors, LLC, latest revision dated November 22, 2011.
2. Tower drawing, one sheet, prepared by UNR-ROHN.

Planning Overview/ Discussion

The subject property is located on the north side of a private street which extends east off of Lemont Road, north of the Safeguard Storage facility. The property is at the east end of this private street.

Currently, there is a wireless transmission tower on the parcel, along with accessory structures for related equipment. The petitioner proposes to construct a second tower at a height of 200 feet. The proposed tower is shown to be located to the south of the existing tower.

The petitioner offers the following to support the zoning requests:

1. The existing tower is at 97.2% of its structural capacity, the tower does not have the ability to add additional communications equipment.
2. Due to technology changes, microwave is back. The needed equipment requires a heavier structure.
3. There are requests for Remote Communication Outlet (RCO), ADT Security municipal wireless system and radio system upgrade from First Student School Bus Company, which cannot be accommodated on the existing tower.

The petitioner has submitted two letters of support, see the attached letter dated September 16, 2011, from the Brookeridge Aero Associates, Inc. and a letter from the Clow International Airport, located in Bolingbrook, Illinois.

The Federal Communications Commission (FCC) permits and regulates transmissions from towers, frequencies. The Federal Aviation Administration (FAA) controls the tower height, painting and lighting with respect to air traffic safety.

Also enclosed is an email sent to the petitioner along with their response.

Enclosed is a copy of a memo dated December 29, 2009, from Peter Coblentz, Rosenthal, Murphey, Coblentz and Donahue (City Attorney), explaining FCC related rules related to the Telecommunications Act of 1996. Staff has contacted the City Attorney for any updated information.

The special use request must address the following criteria for approval:

1. That the special use is deemed necessary for the public convenience at the location specified.
2. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, or general welfare.
3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
4. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. That the exterior architectural design, landscape treatment, and functional plan of any proposed structure will not be a variation with either the exterior architectural design, landscape treatment, and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
8. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the planning and Zoning Commission and the Planning and Development

Committee.

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

The proposed tower is to be located further away from residences than the existing tower. The existing tower does not appear to have caused any impairment to surrounding properties. Staff does not have any objection to the proposed tower. The FCC and the FAA have jurisdiction over what is able to be transmitted, the permitted frequencies and if any lighting is necessary for air traffic safety.

Based upon the submitted petition and the information presented, the request associated with PZC 2012-03 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission approve the petition as presented.

Planning and Zoning Commission Review – March 21, 2012

The Planning and Zoning Commission considered this matter at its meeting on March 21, 2012. The following members were present: Beverly Meyer – Chairperson, Donald Hickok, Ronald Kiefer, Raymond Mielkus, Kenneth Ritzert, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Members absent: John Lind, Louis Mallars, Pauline Oberland and Susan Vonder Heide.

Michael Griffith, Senior Planner, reviewed the staff agenda memo. He reviewed the zoning requests

being made, both a special use and a variation, with the variation related to the proposed tower height. He stated the Zoning Ordinance permits towers at a height of 60 feet.

Mr. Griffith noted the plans show an existing tower and related accessory structures on the property. He stated the proposed tower will be located south of the existing tower.

Mr. Griffith noted the letters of support for the tower, as well as a letter describing the need for the tower, provided by the petitioner. He stated that staff asked the petitioner if the demand for the tower equipment could be placed on existing towers and structures, such as the City's water tower. The petitioner stated that he did not think it was possible due to location, technological and engineering issues.

Mr. Griffith noted a memo from the City Attorney regarding Federal Government regulations related to wireless telecommunications towers. He stated there are certain areas that the City does not have jurisdiction over, such as transmissions from the tower and air traffic safety issues.

Stanley Stann, Chicago Tower Leasing, the petitioner, stated he owns the land and would own the proposed tower. He stated he has been in the tower business for 35 years, has built about 4,000 towers. He described some of the proposed items to be on the tower, such as microwave dishes, 6-8 feet in size. He stated that with technological improvements, and some problems with fiber optic cables, telephone systems are relying more on microwaves as their main system again, with fiber optic cables as a back-up.

Chairperson Meyer asked if the proposed tower would interfere with TV antennas.

Mr. Stann stated that the FCC regulates frequencies, and the FCC will not allow equipment on the tower to generate a frequency that would cause an interference.

Chairperson Meyer asked if the tower would benefit local airports.

Mr. Stann stated some of the proposed equipment to be placed on the tower will help with local air traffic safety. He stated the FAA regulates the tower height. He stated they will submit a request to the FAA for a 200-foot tall tower, but the FAA may only permit a 180 or 190-foot tower.

Commissioner Hickok asked what is the height of the existing tower.

Mr. Stann stated the existing tower is 180 feet tall.

Mr. Stann stated the proposed tower will be used in part to relay off an existing tower in Chicago Ridge to a tower in Aurora.

Chairperson Meyer asked how the base is protected to avoid children from climbing the tower.

Mr. Stann stated there is a fence around the site, and there is a wood fence which separates the site from the housing development to the north. He stated it is a federal offense to climb the tower.

Commissioner Kiefer asked who keeps the property clean?

Mr. Stann stated they maintain the property.

Commissioner Kiefer stated the site is messy, a better job of keeping the property clean is needed.

Commissioner Hickok asked if additional power would be needed.

Mr. Stann stated additional electric power would not be needed.

Commissioner Ritzert asked how far the microwave covers.

Mr. Stann stated it depends on the land height, tower height and tower location.

Jill Petranek, 2700 Woodmere Drive, President of the Condo Association, stated proper notice was not provided, she knocked on doors and only two people received notice. She stated there are health ramifications and wants a meeting with the petitioner to go over such concerns. She asked if a permit had already been issued, what benefit the City receives from the tower and asked how the existing tower's height was allowed to be raised recently.

Chairperson Meyer stated she confirmed with staff that public notice was provided according to City Code.

Mr. Griffith stated there is a list of property owners notified as well as a map showing the notification area. He stated he was not aware of the existing tower height being raised.

John Gorak, 2691 Woodmere Drive, stated he lives near the existing tower. He stated there is a precedent across the country of such towers being denied. He stated the current tower was built in 2001, it's a huge structure that is not appropriate. He stated the tower will interfere with air traffic.

Stan Widlacki, 8191 Lemont Road, stated he is an owner of an adjacent office condo and President of the Association, stated the petitioner is not part of their association and therefore does not contribute to the maintenance of the private road he uses. He stated the gravel on the site is a mess, the property is not fenced in, the property is not being maintained, there are contractors dumping on the property, the wall to their detention basin was damaged by the petitioner's contractors and has not been repaired to how it was before. He asked if microwaves interfere with heart pace makers.

Ann Cattanee, 8171 Lemont Road, business owner at 8171 Lemont Road, stated the heavy equipment needed for the tower will impact the private road, and the petitioner does not contribute to the road maintenance.

Daniel Miroballo, 2655 Woodmere, asked if permits had already been issued, if the City received taxes from the tower, if the homeowners will get insurance, and why the City was considering a 200-foot tower when only 60 feet is allowed.

Mr. Griffith stated that the tower has not been approved and a permit has not been issued. He stated he is not aware if the City receives any tax revenue from the tower. He stated the homeowners would not receive additional insurance. He stated the petitioner is seeking a variation from the Zoning Ordinance for the tower height and the City is obligated to consider his request.

Chairperson Meyer stated the property values will be adversely impacted.

Commissioner Ritzert stated there needs to be a health study.

Commissioner Hickok stated he agreed with the concerns raised, but felt the Federal regulations did not allow the City to deny the tower based on the memo from the City Attorney. He stated any approval should address property maintenance issues, provide a landscape plan and address the road.

Mr. Griffith noted the memo provided by the City Attorney concerning Federal regulations when considering a request to construct a tower. He stated there are certain areas that fall outside of the City's jurisdiction, including frequencies transmitting from the tower and air traffic concerns.

Several residents stated the existing tower had been raised within the past few years. Mr. Stann stated that equipment had been removed from the tower, but the tower height had not been increased.

Mr. Griffith stated he is not aware of any approved work for increasing the tower height, on the existing tower. He stated staff will look into the property maintenance concerns.

Commissioner Kiefer stated he was concerned with moving forward on the request given the question over whether the existing tower height had been raised. He stated increasing the tower height would have required a variation.

Without further discussion, Commissioner Hickok made the following motion, seconded by Commissioner Mielkus:

Based upon the submitted petition and the information presented, the request associated with PZC 2012-03 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 conditions:

- 1. Road surface to be upgraded to match the equipment used on tower.**
- 2. Fence to be installed around the property.**
- 3. Landscape plan submitted.**
- 4. Property maintenance issues corrected.**

Upon a voice vote, THE MOTION FAILED, with a vote of 2-3.

**Ayes: Hickok, Mielkus
Nays: Meyer, Ritzert, Kiefer
Absent: Lind, Mallars, Oberland, Vonder Heide.**

Mr. Griffith noted that the Zoning Ordinance requires there be a majority vote of the entire Commission for a motion to carry, and recommended the Commission either vote again or to continue the public hearing to the April 4, 2012, meeting.

The Commission decided to continue the public hearing to the April 4, 2012, meeting at 7:00 PM. This was announced to the public in attendance.

Planning and Zoning Commission – April 4, 2012

At the March 21, 2012, Planning and Zoning Commission meeting, the following concerns were raised by residents and the Commission, staff response included:

1. Notice was not provided.
A written notice was mailed to all property owners within 250 feet of the subject property, per the Zoning Ordinance. The petitioner is required to provide the notification list along with stamped, addressed envelopes. Staff verifies the list of parcels to ensure all parcels within the 250-foot radius are included. Staff mails the notice at least 15 days prior to the public hearing. The Downers Grove Township Tax Parcel Atlas map and the Township's property records are used. The list and map are on file. No one from the public has requested to view this information.
2. Health ramifications of tower.
Health issues from radio, microwave or other types of transmissions from the tower fall under the jurisdiction of the Federal Government, the Federal Communications Commission (FCC). The City does not have the authority to regulate wireless transmissions, frequencies, etc. Staff did research and did not find any information which supports claims of health

issues associated with microwave transmissions, for example.

To summarize the information found by staff:

“Radiation”, defined, is the process of emitting radiant energy in the form of waves or particles. Heat, light are both forms of radiation, for example.

Radiation is not the same as “radioactive”.

Current research has not found any adverse health effects resulting from exposure to radiation levels associated with microwave antennas mounted on free-standing towers. Radiation levels on the ground from these antennas are 10,000 times lower than the normal leakage encountered a few inches from a microwave oven.

A microwave beam is basically a radio beam. When people hear the word “microwave”, they think of a microwave oven. The microwave beam does not need to have the power intensity anything near a microwave oven. Microwaves cause heating, but not much else. Microwaves are not like ultraviolet radiation, which you get from walking in the sun. Microwave radiation is safer because it is a much lower frequency or energy than the ultraviolet light one receives from sunlight outdoors, or from X-rays coming from a TV and computer screen.

3. *Wanted the item tabled and to have a meeting with the petitioner.
No one from the public has contacted staff in order to set up a meeting with the petitioner.*
4. *Has a permit been issued?
A permit has not been issued, there has not been any approvals granted at this time.*
5. *What is the City benefit?
Staff is not aware of a specific benefit to the City. However, the proposed tower will be one other option for local entities to seek out if communications improvements are needed.*
6. *How was the height of the existing tower allowed to be increased?
The petitioner provided a Federal Aviation Administration (FAA) filing dated 4/1/1993 – 5/1/1993 which indicates the tower height at 200 feet. At the 3/21/2012 Commission meeting, the petitioner stated the existing tower is 180 feet tall. This property was annexed into Darien in 1991. Permit records indicate equipment installations, electrical upgrades, but nothing related to altering the tower height.*
7. *The tower would be a huge structure, it is not appropriate.
Noted.*

8. Tower will interfere with air traffic.
The City does not have the authority to regulate air traffic, to regulate tower height based on air traffic or to require lighting related to air traffic, this falls under the jurisdiction of the FAA.
9. Why would a tower get approved when there is a precedent for towers being denied across the country?
Staff is not aware of any precedent of towers being denied, locally or nationally.
10. Petitioner does not help with road maintenance for the road leading to the site.
The road leading to the subject property is a private road, maintained by the adjacent property owners. Road maintenance is a private agreement among the users. The petitioner provided a copy of an easement which allows his use of the road. The document appears to include provisions for road maintenance. The road appears to be in good condition. A copy of an aerial map showing parcel lines is included in the agenda packet showing the road on private property.
11. Lack of fence around property.
A fence surrounding the site will be required as a condition of approval.
12. Tower site is a mess, dumping going on.
Property maintenance, site clean-up, will be required as a condition of approval. The site is not to be used for outdoor storage. The accumulation of rubbish/debris and the inoperable vehicle are to be removed. Dumping is not permitted. It appears the gravel pile is not located on the petitioner's property, yet that area is clearly being used by the petitioner. Also as a condition of approval, the gravel areas are to be paved.
13. An adjacent retaining wall damaged by petitioner's crew and not repaired.
Staff viewed the retaining wall and it does not appear to be collapsing. The property owner of the property on which the retaining wall is located is responsible for the maintenance of the wall. Property maintenance responsibility always falls onto the property owner.
14. Do microwaves interfere with heart pace makers?
Staff has not found any information confirming health problems from microwave transmissions.
15. Does the City get a tax off the tower?
Staff is not ware of any taxes generated from the tower, transmissions or equipment.

16. Will homeowners get insurance if the tower is approved?
The City cannot require the petitioner to provide private insurance coverage to adjacent property owners.
17. Why is the City considering this when it is not allowed?
A tower is an allowed use under the Zoning Ordinance. The petitioner is seeking a variation from the Zoning Ordinance concerning the tower height. A property owner has the right to submit zoning petitions and the City is obligated to hear such petitions.
18. There will be an adverse impact on adjacent property values.
Information has not been provided to evaluate an impact on property values. The tower itself is allowed as a special use on the property, under the OR&I zoning classification. The variation request is associated with the tower height. There is already a tower on the site, plus, there is an auto collision establishment directly to the west of the tower site.

Staff Recommendation – Planning and Zoning Commission meeting, April 4, 2012

The proposed tower is to be located further away from residences than the existing tower. The existing tower does not appear to have caused any impairment to surrounding properties.

Concerning the special use request, staff has not found any information to suggest the proposed special use will endanger the public health, safety or general welfare, the proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, adequate utilities, access roads, drainage and other necessary facilities have been provided.

Concerning the variation request, the proposed variation will not adversely alter the general character of the property, the proposed variation will not adversely alter the essential character of the neighborhood.

The FCC and the FAA have jurisdiction over what is able to be transmitted from the tower and air traffic related matters.

Based upon the submitted petition and the information presented, the request associated with PZC 2012-03 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 conditions:

1. **The gravel surface areas are to be paved, including the driveway to the tower site and the tower service area.**

2. **A fence is to be installed around the parcel. At the entrance to the site, a decorative fence is to be installed, with a chain-link fence for the remainder of the site.**
3. **Outdoor storage of materials, rubbish, construction related equipment and debris, is not permitted. These items are to be removed.**
4. **The inoperable vehicle (no plate, flat tire) is to be removed from the property.**
5. **Remove gravel/stone/dirt pile.**

Planning and Zoning Commission Review – April 4, 2012

The Planning and Zoning Commission considered this matter at its meeting on April 4, 2012. The following members were present: Beverly Meyer – Chairperson, Donald Hickok, Ronald Kiefer, John Lind, Louis Mallers, Raymond Mielkus, Pauline Oberland, Kenneth Ritzert, Susan Vonder Heide, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Stanley Stann, Chicago Tower Leasing, the petitioner, described his intent to construct a second tower on his property. He stated the existing tower cannot accommodate requests he has received for additional equipment. He stated the proposed tower will carry mostly microwave dishes. Mr. Stann explained that there is an increased demand for microwave dishes.

Michael McCrery, attorney for the petitioner, was also present.

Commissioner Mallers wanted to clarify that the intent is to construct a second tower vs. replacing the existing tower.

Mr. Stann stated the proposed tower will not replace the existing tower. He stated it is better to have two shorter towers than one very tall tower.

Commissioner Oberland asked if the existing tower was there before the subdivision to the north was built.

Mr. Stann stated the tower proceeded the subdivision.

Commissioner Lind asked to clarify the location of the access easement.

Mr. Stann stated the easement gives him access to his property. He stated Rockwell owned the road that leads to his property and at some point it became a private road. He stated he's never been asked to help with maintaining the road, but is willing to contribute.

Commissioner Mallers asked if the existing tower can accommodate the additional antennas.

Mr. Stann stated the existing tower cannot accommodate additional antennas, there is no more capacity. He stated there are more requests for antennas than the current tower can handle.

Commissioner Hickok asked the petitioner if he is willing to help maintain the private road.

Mr. Stann stated he is willing to contribute to the road's maintenance. He stated the equipment used to construct the tower would not damage the road, but if it does, he would repair the road.

Commissioner Hickok asked the petitioner to confirm he is willing to fence in the property. He stated that landscaping may not be of much benefit. He stated there are property maintenance issues that will need to be taken care of.

Mr. Stann stated he does not object to fencing in the property. He stated he would prefer not to have to pave the site. He stated the gravel surface does not create dust. He stated that if he does need to install fiber optic cables, he would have to tear up the pavement to install the fiber optics.

Commissioner Hickok stated paving the site may not be a good idea, it may get torn up with by equipment. He asked the petitioner to confirm the height of the existing tower.

Mr. Stann stated the existing tower is 180 feet tall. He stated the existing tower was approved for 200 feet, but it was not built to that height. He stated he will be seeking approval for a 200-foot tall tower, but the FAA may only approve 180 feet.

Chairperson Meyer asked if security cameras are to be installed. She also asked if he was part of the association related to the road maintenance.

Mr. Stann stated there are no plans to install cameras. He stated he was not part of the association.

Commissioner Oberland asked if he had any responsibility to help maintain the road.

Mr. Stann stated he is not required to help pay for maintenance, but repairs the road if his equipment damages it.

Commissioner Ritzert asked about wind design related to the tower.

Mr. Stann stated the towers are designed to withstand the winds generated for the area.

Commissioner Vonder Heide asked if there have been any injuries on the site, any children on the site, any reports of such activities, any law suits related to the property.

Mr. Stann stated no, there have not been injuries, he is not aware of children being on the property and there are not any law suites.

Chairperson Meyer asked about the potential for helicopters getting caught in the tower.

Mr. Stann stated the tower will have to comply with FAA regulations in terms of required lighting and painting of the tower.

John Gorak, 2641 Woodmere Drive reported he did research through the Appraisal Institutes of Chicago and Washington D.C., stating a cell tower within 300 feet of a residence will drop the property value 2%. He stated that the general public perception is that the tower is health hazard. Mr. Gorak questioned the need for another tower.

Chairperson Meyer asked Mr. Gorak if he had anything in writing.

Mr. Gorak stated he did not.

Commissioner Oberland asked Mr. Goark when he bought his home.

Mr. Gorak stated that he bought his home in 2005.

Gabriella Comstock, Keough & Moody, PC, attorney representing the Woodmere Condominium Association, stated she submitted a letter which summarized the Condo Association's position. She stated the Condo Association has many concerns. She stated the petitioner has not justified the need for the approval. She stated the petitioner has not provided anything to address the impacts from the tower. She stated the petition should be denied or tabled.

Stan Widlacki, 8195 Lemont Road, stated that he owns the office condo building across from the tower. He stated that the City has the right to protect the citizens of Darien and enforce the code, the additional tower will impact property values. Mr. Widlacki provided before and after photos of the retaining wall adjacent to the tower property. He provided history of the area, the retaining wall, the road and the maintenance issues. He stated the City was to take over the road, but did not. He stated the road should be extended to the end of the tower property, and he should be required to provide road maintenance and insurance.

Commissioner Lind questioned the easement location related to the road, which was clarified. He questioned if the property on the north side of the road is part of the association.

Mr. Widlacki stated that the property to the north is not part of the association. He reported that the easement was granted so that access was available to access the properties.

Mr. Griffith stated the redevelopment of the Rockwell property was approved about 2000, which included subdividing the property. He stated the plan did not include platting the road as a public road, he stated the road is not within a dedicated public right-of-way. He stated he is not aware of a request for the City to take over the road. He stated the City has adopted standards when taking over private road, and that they should contact Dan Gombac, Director, Community Development/Municipal Services, to start the process.

Ann Cattaneo, 8171 Lemont Road, stated that she is concerned about the damage and liability. She noted the retaining wall being damaged. She stated that the City should consider taking over the road and that she was informed that the City denied the request to take it over. She stated the petitioner is abusing the easement and the property around the tower and utilizing it for his own good. She stated that there has been little response from him with no return phone calls until recently.

Commissioner Oberland stated the association for the road has the right to ask for a certificate of insurance from the petitioner. She stated that any contractor working would have to provide the certificate.

Mr. Griffith stated the street condition was looked at by staff, and staff believes the street is in good shape. Mr. Griffith reported that the any conditions of approval would be monitored.

Greg Brzozowski, 2647 Woodmere, stated that he purchased his property in 2007, he is the closest to the tower. He stated that ice and debris falls within 20 feet from his home. He stated that he has never met Mr. Stann and that he has never received a letter or a knock on his door. He stated that he is not asking the present tower to be taken down but opposes the new tower.

Chairperson Meyer asked Mr. Brzozowski if anyone was hurt by fallen ice.

Mr. Brzozowski stated he is not aware of any reported injuries.

Commissioner Lind suggested that the PZC wait until a status is determined from the FCC/FAA.

Mr. Griffith reported that the City is not part of the process.

Mr. McCrery stated the standard practice is for the petitioner to get local approval first, then go to the federal bodies for approval. He stated that once approval is given at the federal level it is back to the City for a permit.

Mr. McCrery stated there are two local airports requesting equipment to be located on the proposed tower, the FAA will regulate any required tower lighting and painting, and the FCC regulates frequencies from equipment located on the proposed tower.

Robert Petranek, 2700 Woodmere, stated that at the March 21st meeting it was asked what benefit the City would receive from the tower, and wanted to ask the question again. Will there be a tax or lease?

Mr. Griffith reported that he was not aware of any benefits to the City, not aware of any tax.

Mr. McCrery stated that the additional tower may increase the real estate tax levy.

Commissioner Kiefer stated the Federal government limits the City's ability to regulate towers. He stated this item should move forward. He stated substantial evidence needs to be presented, studies down, to support a denial.

Commissioner Ritzert stated that the Telecommunications Act of 1996 states that no city or government entity can regulate the placement of a tower. He stated that the City's hands are tied.

Mr. Griffith stated staff received an email from Greg Novak, 2741 Cameron Court, which he did not object to the proposed tower. He stated the existing tower existed in 1978 based on County aerial photos, and Woodmere was approved in 1996.

Mr. Griffith stated the City Attorney provided another memo summarizing federal regulations related to towers. He stated the City Attorney has also provided court case summaries in which municipalities denied requests for towers, and in each case where substantial evidence was not provided to support the denial, the court overturned the municipality's decision. He stated substantial evidence must be presented in order to support a denial and withstand a legal challenge.

Mr. Griffith stated that the property is zoned Office and Light Industrial, the proposed use is allowed in this zoning district.

Commissioner Ritzert stated his research indicates that microwaves are not a health hazard, these are non-ionizing frequencies. He stated microwaves travel in a straight line, and they are high on a tower and do not cause exposure. He stated his concerns have been rested.

Commissioner Lind stated that he would like to continue the meeting so that issues related to the private road can be resolved.

Chairperson Meyer stated that prolonging this is inevitable.

Mr. Griffith stated that road and the property maintenance have nothing to do with the request. He stated that if the petitioner damages, whether or not the tower is constructed, the road it is still a private matter. Mr. Griffith stated staff looked at the retaining wall on the property next to the tower site and did not see any issues. He stated the petitioner will be required to clean up his property.

Commissioner Hickok stated that whether the tower is 60, 100 or 180 feet, it's still a tower.

Commissioner Vonder Heide stated there are very clear requirements governing this petition. She stated if the City denies this, it is the City's burden to show evidence. She stated that real evidence needs to be provided from a qualified real estate professional and that there was nothing provided. She stated that issues related to maintenance are those of the association and their duty to get the tenant on board. She further stated the City has responsibility to the road only if the road is taken over by the City.

Commissioner Vonder Heide stated the area is industrial and properly zoned and there already exists a tower. She stated that everyone's home values have gone down by 30% due to the economy and a 2% decrease due to a tower is not that great in comparison.

Without further discussion, Commissioner Vonder Heide made the following motion, seconded by Commissioner Mielkus,

Based upon the submitted petition and the information presented, the request associated with PZC 2012-03 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 conditions:

- 1. A fence is to be installed around the parcel. At the entrance to the site, a decorative fence is to be installed, with a chain-link fence for the remainder of the site.**
- 2. Outdoor storage materials, rubbish, construction related equipment and debris, is not permitted. These items are to be removed.**
- 3. The inoperable vehicle (no plate, flat tire) is to be removed from the property.**
- 4. Remove gravel/stone/dirt pile.**

Upon a roll call vote, THE MOTION CARRIED by a vote of 8-1.

AYES: Meyer, Hickok, Kiefer, Lind, Mielkus, Oberland, Ritzert, Vonder Heide
NAYS: Mallers

While the Commission's recommendation left out the condition to pave the existing gravel surface on the site and leading to the site, staff again includes this as a condition of approval for the Committee's consideration.

While the petitioner is requesting a 200-foot tower, staff recommends the Committee consider limiting the tower height to 180 feet instead.

Therefore, staff recommends the Committee make the following recommendation to approve the petitions, subject to conditions:

Based upon the submitted petition and the information presented, the request associated with PZC 2012-03 is in conformance with the standards of the Darien City Code and, therefore, I move the Municipal Services Committee approve the petition, subject to the following conditions:

- 1. A fence is to be installed around the parcel. At the entrance to the site, a decorative fence is to be installed, with a chain-link fence for the remainder of the site.**
- 2. Outdoor storage materials, rubbish, construction related equipment and debris, is not permitted. These items are to be removed.**
- 3. The inoperable vehicle (no plate, flat tire) is to be removed from the property.**
- 4. Remove gravel/stone/dirt pile.**
- 5. The gravel surface areas are to be paved, including the driveway to the tower site and the tower service area.**
- 6. Proposed tower not to exceed the height of the existing tower (180 feet as stated by the petitioner.)**

Decision Mode

The Planning/Zoning Commission considered this item at its meeting on March 21, 2012.

The Planning/Zoning Commission considered this item at its meeting on April 4, 2012.

The Municipal Services Committee will consider this item at its meeting on April 23, 2012.



Town Site

1000
300

feet
meters

Google earth



CHICAGO TOWER LEASING CORP. • 105 MURPHY LAKE ROAD • PARK RIDGE, IL 60068 • TEL (847) 823-7713



February 7, 2012

City of Darien
Mr. Michael Griffith, AICP
Senior Planner
1702 Plainfield Road
Darien, IL 60561

Re: Variation, special use for CTLC tower site, 8245 S Lemont Road, Darien, IL 60561

Dear Mr. Griffith,

We are applying to build a second communication tower south of our existing structure for the following reasons;


A: Existing structure is at 97.2% of its capacity per structural report of January 13, 2012 considering the recent loading request. After this change we no longer have the capacity for any additional communications on this tower.

B: Due to changes in technology, microwave is back and in order to accommodate loading request a heavier structure is required.

C: In addition we have a request that we cannot accommodate for a RCO (Remote Communication Outlet) for Brook Ridge(LL22) and Clow Bowling Brook (K15) airport (see letters attached), ADT Security for expansion of their municipal wireless system and First Student School Bus Company for upgrade of their radio system.

I will be awaiting your letter with comments so that we can proceed.

Respectfully,


Stanley R. Stahn
President/Owner
SRS/smm

BROOKERIDGE AERO ASSOCIATES, INC.

1700 W. 101st Street, Suite 100, Chicago, IL 60658

September 16, 2011

Mr. Stan Stann
Stann & Associates
105 Murphy Lake Road
Park Ridge IL 60068

Dear Mr. Stann,

We are writing on behalf of the area pilots to ask for your help.

There is a need for direct communications with the area FAA controllers from local airports not equipped with a control tower.

It would truly be a safety benefit to the local aviation community if you would host an FAA RCO, Remote Communications Outlet atop your Darien tower site.

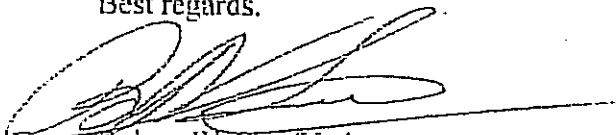
This would allow pilots on the ground at local airports to have direct communications with the Chicago Approach Controllers to receive clearances and cancel flight plans.

Your tower location, equipped with a FAA RCO could provide two-way radio coverage for the Brookeridge, Clow, and Lewis University Airports located respectively at 1, 7 and 10 miles distance from your tower location.

We ask you consider doing this in a spirit of cooperation with the local community to improve operational efficiency thereby providing increased safety for pilots flying into and out of the area airports.

Thank you for considering this request.

Best regards,



Robert W. Siegfried

President, Brookeridge Aero Associates



Mr. Stan Stann
Stann & Associates
105 Murphy Lake Rd.
Park Ridge, IL 60068

Dear Mr Stann,

As the manager of Bolingbrook's Clow International Airport, I am always looking to increase capabilities for our pilots and increased safety for all. As a "Pilot Controlled" Airport with no FAA tower, an RCO (Remote Communications Outlet) would add to that safety. This would allow direct communication with Air Traffic Control.

It has come to my attention, through Brookeridge Aero Associates, that you have a tower location that may host an FAA approved RCO. I hope you would consider this as just one more layer of safety for all.

Your consideration of this request would greatly be appreciated.

Respectfully,

Joe De Paulo
Manager
Bolingbrook's
Clow Intn'l Airport

Michael Griffith

From: Michael Griffith
Sent: Monday, February 27, 2012 10:36 AM
To: 'skywire@svs.com'
Subject: 8245 Lemont Road: zoning petition

Hi Stanley,

Stanley,

For the March 21, 2012, public hearing before the Planning and Zoning Commission, at 7:00 PM, the public hearing sign must be posted no later than March 7. Otherwise, the next Commission meeting date is April 18, 2012.

In addition to the letters you submitted in support of the proposed tower, which will be included in the materials sent to the Commission, please address the following items by March 5:

1. Can the existing tower be rebuilt or altered to accommodate the additional equipment slated for the proposed tower? That is, is it possible that a single tower can accommodate the equipment on the existing and proposed towers?
2. While I understand it is the Federal Govt which regulates wireless transmissions, please provide some detail as to the what, who and how of getting approval. Who regulates, how is it regulated, for example.
3. Specify the equipment to be placed on the proposed tower, who are the users, who benefits?
4. In every similar case, questions arise about the structural integrity of the tower, will it fall onto my house, for example. Please provide some details on how the tower is designed to collapse, if such event would occur.

Addressing the items above will help if there are questions from the public at the hearing, as well as, answering questions from the Commission members. Thanks.

Let me know if there are any questions.

Michael Griffith, AICP ~ Senior Planner
City of Darien ~ Community Development Dept.
Phone #: 630.353.8113 ~ Fax #: 630.852.4709
THINK GREEN—KEEP IT ON THE SCREEN

2/27/2012



March 2, 2012

City of Darien
Department of Community Development
Mr. Michael Griffith, Senior Planner
1702 Plainfield Road
Darien, IL 60561

Re: 8245 Lemon Road, Zoning Petition, per E-Mail of February 27, 2012

Mr. Griffith, Happy Friday,

A: The sign is being posted this morning in front of the site as specified.

1: The existing tower cannot be altered to accommodate the additional equipment requested. As per the latest structural #1575 by Tashsian Tower Corporation of January 13, 2012, we will be re-enforcing the bottom 60-120 feet of the existing tower to accommodate two 6 foot HP microwave dishes, this will render the tower at 96.6% capacity. This is based by engineers on existing foundations and the size of lower section steel.

2: The Federal Government regarding communication towers falls under two agencies, the FCC, Federal Communications Commission which issues approval on frequencies, their use as the airwaves belong to the people of the United States. The second agency is the FAA, Federal Aviation Administration which deals with and controls the tower heights and their code painting and lighting in the interest of air safety. This is usually determined by location of the airports, size and location.

3: The request we have received is based on antenna and frequency size and use. If the frequencies may interfere with those in use on the site, we must decline as this may cause frequency interference which the FCC will not tolerate. That is why, before we approve a system, it must be reviewed by an RF (Radio Frequency) engineer. Currently the main request we have received is for microwave systems which antennas range from 2 feet up through 10 feet performance systems. The users all fall into the following: A: Cellular, WIMAX and WISP Backhaul, these are cell companies and internet. B: Faxed wireless access and fiber network extension means wireless air connections for fiber optic systems. C: Governmental, Defense and Public Safety Networks. D: Critical infrastructure communication redundancy.

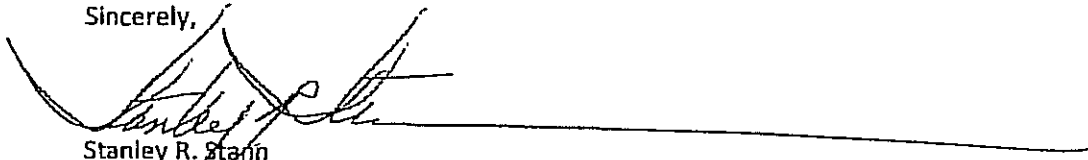
The users all have different names but we only deal with frequencies and tower loading. Their use is never made clear to us due to confidentially clauses; occasionally after a system is up we are informed

what its use is. Normally it is not our concern as to your last question who benefits? Evidentially they do and we as well as our towers serve as a necessary part of their operation.

4: Answer to this question s covered by the attached letter from Pi-Rod Inc. to Tower Erectors Company. All manufactures have a version of this document but this is the best have encountered. John Erichsen, the engineer who signed the letter and Bill Rettig are some of the structural engineers that we deal with.

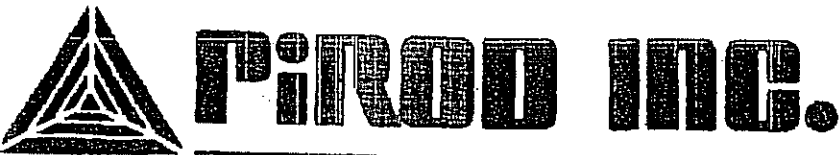
Michael, if I can be of any further help on any additional questions, please feel free to contact me.

Sincerely,



Stanley R. Stein
President/Owner

SRS/smm



June 19, 2000

Tower Erectors Company
13436 5th Road
Plymouth, IN 46563

ATTN: Mr. Don Feece

SUBJECT: PIROD Self Supporting Towers

Dear Don,

Thank you for your inquiry concerning tower design codes and practices as they relate to your tower designs.

PIROD has been designing and building guyed and self-supporting towers and monopoles since the early 1950's. During this time, we have sold thousands of towers ranging in height from as little as 50' high to in excess of 1400'. These towers were individually engineered to accommodate the loading requirements imparted by the design windspeed, ice considerations, antenna loading, and other factors dictated by the national code requirements existing at the time the tower was built.

The present national tower code, ANSI/EIA/TIA-222-F, represents the latest refinement of specific minimum requirements for tower engineers and manufacturers to follow to help assure that the tower structure, and its foundations are designed to meet the most realistic conditions for local weather while assuring that the tower is designed to stringent factors of safety.

In many of the cases of the towers you have under consideration, you have elected to exceed the stipulated code requirements by also requesting that 1/2" ice be included in the analysis. Ice is considered on all tower members, antennas, and lines and results in a substantially heavier tower design than one considered without ice.

The "F" version of the code incorporates an escalating wind factor based on tower height. Thus if 80 MPH is the basic design wind speed at the 10 meter height. Per the specification, this speed is then increased in stages up the tower. An 80 MPH Basic Wind speed equates to a 109.6 MPH wind speed at the 300' level. "Meeting the code" implies that the design will have all of the code requirements for safety factors intact at the wind speed specified. Thus, the ultimate survival speed would be considerably higher. Again, adding ice to the design loading also adds a further safety factor, in effect, to the final tower strength.

1545 PIRCO DRIVE
P.O. BOX 128
PLYMOUTH, INDIANA 46503-0128
(219) 930-4221
SALES FAX (219) 936-0706
ENG. FAX (219) 935-4073
ACCOUNTING FAX: (219) 930-4507
PURCHASING FAX: (219) 930-0308

Form Approved OMB No. 2120-0002



U.S. Department of Transportation
Federal Aviation Administration

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

Aeronautical Study Number

1. Nature of Proposal

A. Type	B. Class	C. Work Schedule Dates
<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Permanent	Beginning <u>04/01/93</u>
<input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Temporary (Duration <u> </u> months)	End <u>05/01/93</u>

2. Complete Description of Structure

A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure.

B. Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports.

C. Include information showing site orientation, dimensions, and construction materials of the proposed structure.

Antenna Tower

Freq. 870-880 Mhz

ERP 100 W

3A. Name and address of individual, company, corporation, etc. proposing the construction or alteration. (Number, Street, City, State and Zip Code)

(708) 823-7711
area code Telephone Number

Stan Stann, President
Chicago Tower Leasing Corp.
113 Murphy Lake Road
Park Ridge , IL 60068

3B. Name, address and telephone number of proposer's representative if different than 3 above.

John P. Allen
Airspace Consultant
P. O. Box 1008
Fernandina Beach, FL 32034 (904) 261-6523

4. Location of Structure

A. Coordinates (To nearest second)	B. Nearest City or Town, and State	C. Name of nearest airport, heliport, light park, or seaplane base
41° 44' 25" N 088° 00' 30" W	Willowbrook, IL	105 CLOW INTL
(1) Distance to 4B 3 Miles	(1) Distance from structure to nearest point of nearest runway 6.0644 nm.	(2) Direction from structure to airport 243.72 Degrees
(2) Direction to 4B 79 Deg.		

5. Height and Elevation (Complete to the nearest foot)

A. Elevation of site above mean sea level	760
B. Height of structure including all appurtenances and lighting (if any) above ground, or water if so situated	200
C. Overall height above mean sea level (A + B)	960

D. Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s). (If more space is required, continue on a separate sheet of paper and attach to this notice.)

COORDINATES: LATITUDE 41-44-25 N - LONGITUDE 88-00-30 W - NAD -27
COORDINATES: LATITUDE 41-44-25.11 N - LONGITUDE 88-00-30.22 W - NAD - 83

Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willfully violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).

HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking & lighting standards if necessary.

Date	Typed Name/Title of Person Filing Notice	Signature
02/06/93	John P. Allen, Airspace Consultant	

FOR FAA USE ONLY

Approved by: _____

Signature: _____

Date: _____

Remarks: _____

NOTE: Review location of this structure with respect to the determination of its position with respect to the existing and proposed Class B, Class C, and Class D airspace.

RECORDER
DU PAGE COUNTY

Blaney

EASEMENT GRANT

This EASEMENT GRANT is made between ROCKWELL TELECOMMUNICATIONS, INC., FORMERLY KNOWN AS WESCOM, INC., AN ILLINOIS CORPORATION (hereinafter referred to as the "Grantor") and CHICAGO TOWER LEASING CORPORATION, INC. (hereinafter referred to as the "Grantee").

The following recitals of fact are a material part of this instrument:

A. The grantor is the owner of a tract of land described as follows and hereinafter referred to as "Parcel 1":

PARCEL ONE: THE SOUTH 30 FEET OF THE NORTH 260 FEET OF THE WEST 1037.56 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

09-32-106-011

B. The grantee is the owner of a tract of land described as follows and hereinafter referred to as "Parcel 2":

PARCEL TWO: THE NORTH 230.00 FEET OF THE EAST 100.00 FEET OF THE WEST 1117.56 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

09-32-106-014

8245 S. Lemont, Janelle M

C. The grantor wishes to grant and the grantee wishes to receive an easement over, under and across that part of Parcel 1 described as follows and hereafter referred to as "The Easement Premises":

D. Parcel 1 is presently improved with a roadway and Parcel 2 is presently improved with a tower and building.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following grants, agreements, and covenants and restrictions are made:

1. GRANT OF EASEMENT. The grantor hereby grants to the grantee, his heirs, and assigns, an easement to locate, establish, construct and maintain a driveway for ingress and egress and for all public utilities including but not limited to Northern Illinois Gas, Commonwealth Edison, Illinois Bell Telephone Co., Cable Television, and drainage.

2. USE OF EASEMENT PREMISES. Use of the easement premises is not confined to present uses of Parcel 2, the present buildings thereon, or present means of transportation. Exclusive use of the easement premises is not hereby granted. The right to use the easement premises, likewise for ingress or egress, is expressly reserved by the grantor.

3. USE OF PARCELS 1 AND 2. As long as this easement grant remains in effect Parcel 2 shall not be used for other than commercial purposes

and no building other than one suited only for commercial purposes shall be constructed thereon.

4. **ADDITIONS TO DOMINANT TENEMENT.** Said easement is also appurtenant to any land that may hereafter come into common ownership with Parcel 2 aforesaid and that is contiguous to Parcel 2. An area physically separated from Parcel 2 but having access thereto by means of public ways or provide easements, rights or licenses is deemed to be contiguous to Parcel 2.

5. **DIVISION OF DOMINANT TENEMENT.** If Parcel 2 is hereafter divided into two parts by separation of ownership or by lease, both parts shall enjoy the benefit of the easement hereby created. Division of the dominant tenement into more than two parts shall be deemed an unlawful increase of burden and use of the easement may be enjoined.

6. **PARKING.** Both parties covenant that vehicles shall not be parked on the easement premises except so long as may be reasonably necessary to load and unload.

7. **MAINTENANCE OF EASEMENT.** Grantee agrees to promptly improve the easement premises and will at all times maintain same in good repair.

8. **WARRANTIES OF TITLE.** Grantor warrants that he has good and indefeasible fee simple title to the easement premises.

9. **RUNNING OF BENEFITS AND BURDENS.** All provisions of this instrument including the benefits and burdens, run with the land and are binding upon and enure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

10. **TERMINATION OF COVENANT LIABILITY.** Whenever a transfer of ownership of either parcel takes place, liability of the transferor for breach of covenant occurring thereafter automatically terminates, except that the grantor herein remains liable for breaches of covenants of title.

11. **ATTORNEY'S FEES.** Either party may enforce this instrument by appropriate action and should he prevail in such litigation, he shall recover as part of his costs a reasonable attorney's fee.

12. **CONSTRUCTION.** The rule of strict construction does not apply to this grant. This grant shall be given a reasonable construction so that the intention of the parties to confer a usable right of enjoyment on the grantee is carried out.

13. **NOTICE.** Grantor's address is P.O. Box 4250, 2201 Seal Beach Boulevard, Seal Beach, California 90740-8250 and grantee's address is 113 Murphy Lake Road, Park Ridge, Illinois 60068. All notices shall be sent by U.S. Mail to the addresses provided for in this paragraph and shall be deemed given when placed in the mail. The affidavit of the person depositing the notice in the U. S. Post Office receptacle shall be evidence of such mailing.

14. RELEASE OF EASEMENT. The grantee herein may terminate this instrument by recording a release in recordable form with directions for delivery of same to grantor at his last address given pursuant hereto whereupon all rights, duties, and liabilities hereby created shall terminate. For convenience such instrument may run to "the owner or owners and the parties interested" in Parcel 1.

IN WITNESS WHEREOF, the grantor and the grantee have hereunto set their hands and seals this 23rd day of Jan 1994.

GRANTOR:
ROCKWELL TELECOMMUNICATIONS, INC.,
FORMERLY KNOWN AS WESCOM, INC.,
AN ILLINOIS CORPORATION

GRANTEE:
CHICAGO TOWER LEASING
CORPORATION, INC.

BY: [Signature]

BY: [Signature]

ATTEST: _____

ATTEST: [Signature]

This instrument prepared by and mail to:

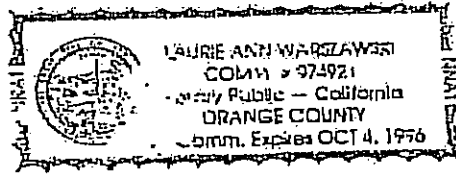
BAMBRICK & BAMBRICK, P.C.
THE EXECUTIVE BUILDING
15543 127TH STREET, SUITE #100
LEMONT, ILLINOIS 60439
(708) 257-6466

STATE OF CALIFORNIA)
COUNTY OF *Orange*) SS

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that R. C. Seamans personally known to me to be the Secretary of the ROCKWELL TELECOMMUNICATIONS, INC., formerly known as WESCOM, INC., as Illinois corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that as such Secretary he signed and delivered the said instrument, pursuant to authority given by the Board of Directors of said corporation, as her free and voluntary act, and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

Given under my hand and official seal this 4th day of March, 1994.

Commission Expires: Oct. 4, 1996



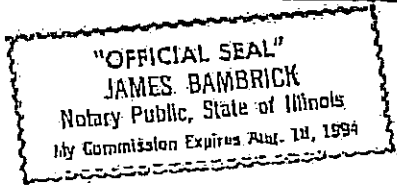
Laurie Ann Warzawski
Notary Public

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that STANLEY STAN personally known to me to be the President of the CHICAGO TOWER LEASING CORPORATION, INC., and STANLEY STAN personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 23rd day of March 1994.

Commission Expires: _____



James Bambrick
Notary Public

Mike - FYE - forward to Scott for FYE

ROSENTHAL, MURPHEY, COBLENTZ & DONAHUE

LAW OFFICES

30 NORTH LA SALLE STREET

SUITE 1624

CHICAGO, ILLINOIS 60602

(312) 541-1070

FAX (312) 541-9191

PETER D. COBLENTZ
JOHN F. DONAHUE
JUDITH N. KOLMAN
JOHN B. MURPHEY
JOY A. ROBERTS
PETER M. ROSENTHAL

MEMORANDUM

WRITER'S DIRECT LINE

(312) 541-1073

YANCEY L. PINKSTON, JR.

TO: Municipal Zoning Officers
FROM: Peter Coblentz
RE: New FCC Rules for Local Zoning Action on Siting Requests for Wireless Towers and Antenna Facilities
DATE: December 29, 2009

The Telecommunications Act of 1996.

Among other things, the Telecommunications Act of 1996 (the "Act") was intended to speed the development of wireless telecommunications services and to remove "barriers to entry" by new telecommunications carriers and services. Local zoning was considered one of these barriers to entry. The wireless telecommunications industry claimed that state and local governments were using their zoning authority to block or slow requests for site-specific approvals of new wireless telecommunications infrastructure, and they urged Congress to preempt state and local authority over such siting decisions. State and local governments argued against any such preemption and fought to preserve traditional zoning power to regulate and control the siting of wireless communications facilities.

These opposing interests resulted in Congress enacting a bill that included a provision entitled "Preservation of Local Zoning Authority." Notwithstanding its title, however, the Act imposed limits on the authority of local governments to make decisions regarding the placement, construction and modification of personal wireless service facilities. Specifically, the Act provides that the authority of a state or local government to regulate and make decisions regarding "the placement, construction, and modification of personal wireless service facilities" would not be affected, except as provided in Section §332(c)(7). 47 U.S.C. §332(c)(7)(A). As with most legislation, it is the exceptions that are most important.

There are three important substantive exceptions to the rule stated in §332(c)(7)(A) for the preservation of local zoning authority over wireless telecommunications facilities:

1. The local government cannot "unreasonably discriminate among the providers of

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1. The local government cannot "*unreasonably discriminate among the providers of functionally equivalent services.*" 47 U.S.C. §332(c)(7)(B)(i)(I).
2. The local government regulation cannot "*prohibit or have the effect of prohibiting the provision of personal wireless services.*" 47 U.S.C. §332(c)(7)(B)(i)(II).
3. The local government may not "*regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effect of radio frequency emissions to the extent that such emissions comply with the [FCC's] regulations concerning such emissions.*" 47 U.S.C. §332(c)(7)(B)(iv).

In addition to these substantive limitations on local zoning authority, the Act also contains two significant procedural requirements. First, local zoning authorities are required to act on requests for authorization to place, construct or modify personal wireless service facilities "*within a reasonable period of time after the request is duly filed.*" (47 U.S.C. §332(c)(7)(B)(ii)). Second, any local government decision to deny such a siting request must "*be in writing and supported by substantial evidence contained in a written record.*" (47 U.S.C. §332(c)(7)(B)(iii)).

Judicial Interpretations of Section 332(c)(7).

Because of the inherent tension between the preservation of local zoning authority on one hand, and limiting that authority on the other in order to foster the development of wireless telecommunications facilities, Section 332 has been a fount of litigation over the past dozen years. No one knew how courts would resolve these countervailing directives when the Act was passed, but the last 12 years have often seen municipal zoning decision vindicated in court when municipalities have reacted reasonably and thoughtfully to such siting requests.

The wireless industry was unhappy after a dozen years of living with the Act that courts had often deferred to local zoning authorities instead of giving greater priority to the substantive prohibitions in Section 332. In particular, the industry was unhappy that the requirement that municipalities must act within a reasonable period of time on siting applications had proven to be rather toothless because enforcement required lengthy litigation. For example, in Masterpage Communications v Town of Olive, 418 F.Supp.2d 66 (S.D.N.Y. 2005), it took six years for the cellular provider to gain a court judgment vindicating its claim that the zoning authority had not acted on the provider's special use application within a reasonable period of time. The industry was also upset that some municipalities had successfully defended zoning denials by arguing, in part, that a zoning denial did not have the unlawful effect of prohibiting the provision of wireless services if wireless service was already available locally from existing carriers and facilities.

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See, e.g., AT&T Wireless PCS v. City Council of City of Virginia Beach, 155 F.3d. 423 ((4th Cir. 1998).

Petition to FCC for Declaratory Ruling.

The International Association for the Wireless Telecommunications Industry (CTIA) filed a petition with the FCC in 2008 for a declaratory ruling to clarify certain provisions of Section 332(c)(7)(B) of the Telecommunications Act. The petition raised three issues:

1. Reasonable Period of Time for Local Zoning Decision. The Act requires that local zoning authorities must act on siting requests for wireless antenna towers or collocation sites within a "reasonable period of time." The CTIA claimed that local zoning authorities were taking unreasonable periods of time to review simple requests, and that filing a federal lawsuit over such delays was not a reasonable remedy. Accordingly, the CTIA asked the FCC to interpret the "reasonable period of time" requirement in the Act and to adopt a rule that would impose specific timeframes for action by local zoning authorities.

2. Denial of Zoning Applications if Wireless Service is Available from Existing Providers. The CTIA claimed that it was not the intent of the Act to allow the existence of other wireless providers in a locality to be used as a basis for denying a siting request made by a different wireless service provider. The CTIA argued that any zoning denial based that considered that wireless service was already available from another provider should be considered an effective prohibition of wireless service under 47 U.S.C. §332(c)(7)(B)(i)(II). The CTIA asked the FCC to adopt a rule prohibiting local zoning authorities from considering the presence of other wireless service providers in deciding the zoning application of a new provider.

3. Ordinances Requiring Variances for All Wireless Telecommunications Facilities. Finally, the CTIA claimed that some local governments increase their legal leverage over wireless telecommunications facilities by requiring that a wireless service provider must acquire a variance in all circumstances, regardless of the type and location of the proposed facility, as a requirement for gaining local siting approval. See, e.g., Omnipoint Communications v. Town of LaGrange, 2009 WL 28781010 (S.D.N.Y. 2009). The CTIA requested that the FCC adopt a rule preempting such ordinances.

The FCC Ruling.

On November 18, 2009, the Federal Communications Commission issued its Declaratory Ruling in WT Docket No. 08-165 which granted CTIA's Petition in part and denied the Petition in part. This is what you need to know as a local zoning official:

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- A. Municipalities must act on wireless facility siting requests within 90 days on collocation requests, or 150 days on other siting requests.

Section 332(c)(7) of the Communications Act requires that local zoning authorities must act on zoning applications to site wireless communications towers or antenna sites within a "reasonable period of time after the request is duly filed." The FCC concluded that ninety (90) days is sufficient time for local zoning official to review and act on collocation applications (placing an antenna on an existing cell tower), and that one-hundred fifty (150) days was sufficient time for review of other siting applications.

- B. Municipalities cannot deny a wireless telecommunications siting request solely because wireless service is available from existing providers:

Section 332(c)(7)(B)(ii) prohibits local government bodies from regulating the placement, construction or modification of wireless telecommunication facilities if such regulations serve to prohibit or have the effect of prohibiting the provision of wireless telecommunication services. The FCC concluded that a municipality cannot, consistent with Section 332(c)(7)(B)(ii), deny zoning approval for a wireless telecommunications facility solely because such wireless telecommunications service is available from another provider.

- C. The FCC did not preempt ordinances requiring variances for all wireless telecommunications facilities.

The CTIA complained that some state laws and local ordinances require wireless service providers to obtain zoning variances as a requirement for all wireless telecommunication facilities, regardless of the type and location of the proposed facility. The CTIA argued that any such requirement constitutes an impermissible "barrier to entry" and should be preempted. The argument was that requiring a variance for all such facilities imposes an impermissible burden of proof on the wireless service provider and unlawfully serves to diminish their prospects for gaining zoning approval. The CTIA requested that the FCC preempt all ordinances that impose blanket variance requirements for the siting of wireless telecommunication facilities.

The FCC denied this request, finding that they did not have sufficient evidence to make such a ruling. Nevertheless, the FCC indicated that any such ordinance would be legally suspect under the Act. Our view is similar, namely, that a requirement that a variance is required for all wireless telecommunications facilities is not a sound zoning practice and would probably result in an adverse court decision under the Act. We're not aware of any Illinois municipalities that have adopted such requirements.

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What Does This Mean for Local Zoning Officials?

The most significant part of this Ruling is the requirement that local governmental units must take action on zoning applications within the time frame defined by the FCC. The FCC Ruling establishes ninety (90) days as the reasonable time frame for processing zoning applications to collocate wireless telecommunications facilities on an existing tower or structure, and one-hundred fifty (150) days for all other zoning applications.

When does this time frame begin? Under the Act the time for municipal action on a siting request begins when the request has been duly filed with the government. 47 U.S.C. §332(c)(7)(B)(ii). This means that all documents and fees required for a complete application must be submitted before the time frame begins.

What happens if action is not taken within these time frames? The failure to act within the FCC mandated time frames does not mean that the zoning application is automatically approved; nor is it automatically disapproved. Rather, it would be considered a "failure to act" within a reasonable period of time, which is a requirement of the Act.

What if it takes longer than 90 or 150 days to complete a zoning process? The FCC recognized that the nature and scope of a particular siting request could require a longer period of review. Consequently, the timeframe mandated by the FCC would be considered "presumptively reasonable" under the Act, and could be rebutted in court if a wireless carrier challenged the failure to act within the mandated timeframe.

Must a written zoning decision be issued within the mandated timeframe? The Act requires that a municipal decision to deny a siting request for a wireless facility must be in writing and must be supported by substantial evidence contained in a written record. The FCC recognized that it may take additional time to prepare these written decisions and records. The FCC did not allow and specific additional time to complete these tasks beyond the mandated 90 or 150 days, but noted that the 90 or 150 day review period is only "presumptively" reasonable and that the circumstances should be considered by any reviewing court.

Can this time period be extended? The FCC recognized that in most cases the applicant and the municipality will continue to work cooperatively towards a final resolution of the land use application even after the applicable 90 or 150 day period has lapsed. The FCC Ruling provides that this period of time may be extended beyond 90 or 150 days (whichever is applicable) by mutual consent of the wireless service applicant and the local governmental unit.

Must mutual consent for an extension of time be in writing? There is no requirement that

ROSENTHAL, MURPHEY, COBLENTZ & DONAHUE
LAW OFFICES

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this mutual consent be acknowledged in writing. This is potentially tricky because the Act imposes a 30 day limitations period for any person adversely affected by "*any final action or failure to act by a . . . local government*" to file their law suit in federal court.

What happens if the municipality does not act within the applicable time period? The Act provides that a lawsuit must be commenced within thirty (30) days after the local government's failure to act on the zoning application. 47 U.S.C. §332(c)(7)(B)(v).

When can a municipality consider the presence of other wireless carriers in determining a siting application filed by another carrier? There are two answers to this. First, the FCC rule only prohibits municipalities from denying zoning applications solely on the basis of another carrier in the jurisdiction. Second, a municipality may consider the presence of other carriers in the jurisdiction where such facts inform *bona fide* local zoning concerns. For example, the FCC recognized that a municipality might legitimately favor collocation of new antenna facilities over the siting of new towers.

Is the new FCC rule final? Yes, although it may be challenged by national municipal organizations.

When is the rule effective? Immediately as of its issuance on November 18, 2009.

Rosenthal, Murphey, Coblentz & Donahue

Michael Griffith

From: Scott Coren
Sent: Tuesday, April 03, 2012 11:58 AM
To: Michael Griffith; Bryon Vana; Dan Gombac; Sylvia Mcivor; Joe Marchese
Subject: FW: Proposed Cell Tower

This resident asked me to pass this e-mail along, supportive of the cell tower.

Scott

-----Original Message-----

From: Greg Novak [mailto:gpn727@gmail.com]
Sent: Tuesday, April 03, 2012 11:33 AM
To: Scott Coren
Cc: Susan Novak
Subject: Proposed Cell Tower

Hi Scott,

Thanks (in advance) for passing this on to the person handling this application. Note the I've copied my wife on this, but she'll be at the Wednesday meeting to express an opposite view.

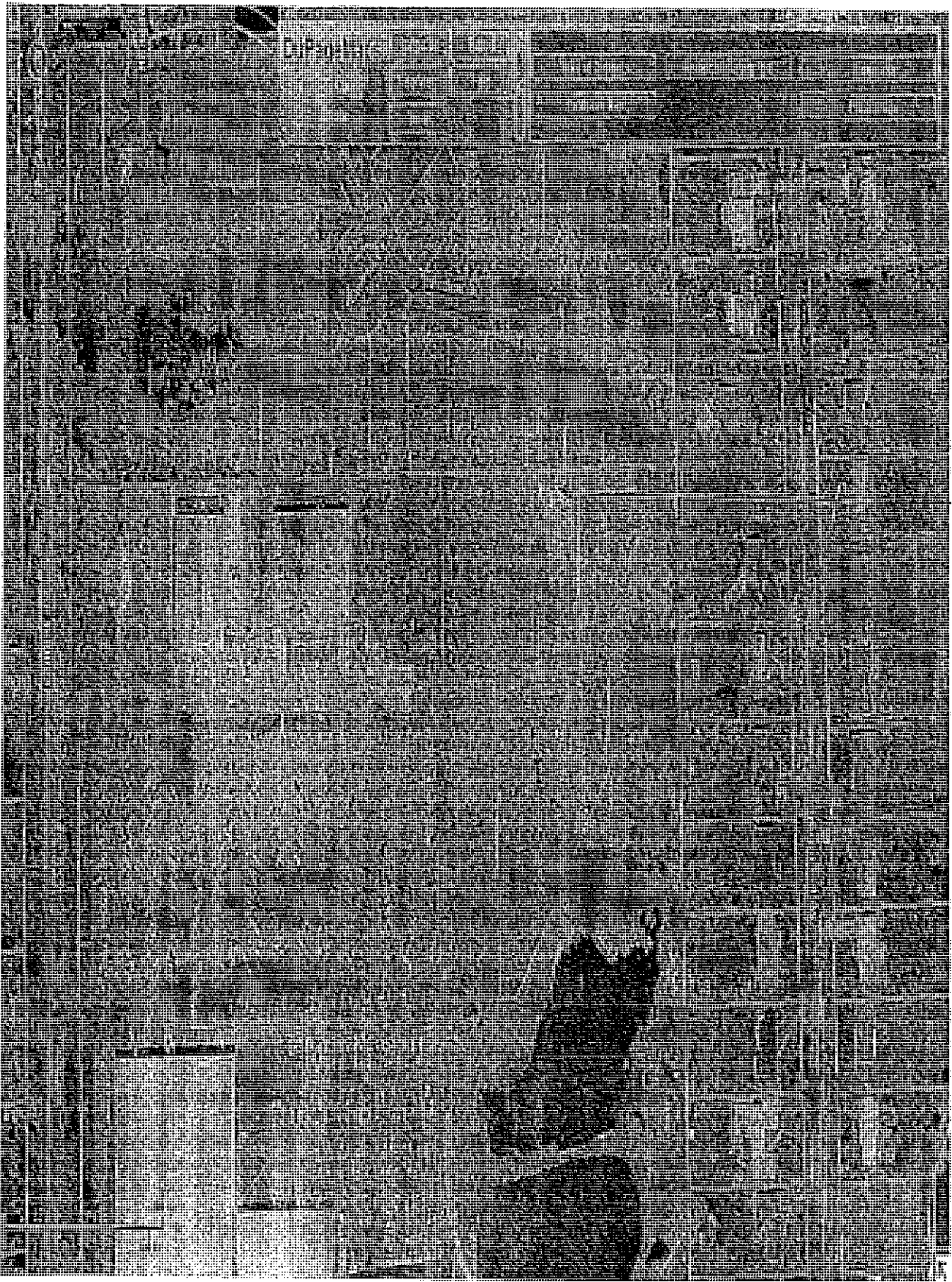
Keeping it brief:

1. When I moved into Woodmere 15 years ago I didn't even notice the existing towers. Even if I had, they wouldn't have given me a second thought.
2. The main argument against the proposed 3rd tower is diminished property values. Yet the presence of the existing towers didn't prevent my property value from increasing greatly during the housing bubble.
3. Those complaining the loudest remind me of people moving to Elk Grove or Itasca and complaining about noise from O'Hare. Runway expansion? Another cell tower? Preventing either will do nothing for those thinking that current conditions are "intolerable".
4. Have the protesters been able to quantify a \$ amount per home that a new tower will cost down the road? Versus the \$ amount of loss caused by the current 2?
5. Of the numerous issues that do effect property values, I'd put erosion of our ponds' shoreline, lack of a stop light at the sole entrance to Woodmere, and the proximity of a private nearby airstrip (noise, risk) higher on the list than a new tower.

Bottom line, it'll be years, if ever, before some owners get out from underwater mortgages. I doubt a 3rd tower will matter in reality.

Thanks for your time,

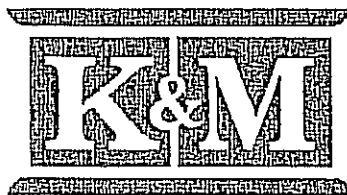
Greg Novak
2741 Cameron Ct
60561
312 952 0674. (cell)



State
County
City
Town

DuPage
1978 photo
Printed data

1250 East Diehl Road, Suite 405
Naperville, IL 60563
Telephone (630) 245-5068
Facsimile (630) 245-5078



30 North La Salle, #2340
Chicago, IL 60602
Telephone (312) 899-9989
Facsimile (630) 245-5078

KEOUGH & MOODY, P.C.

Attorneys at Law
www.kmlegal.com

Direct Dial: (630) 245-5068 x 209
Email: erc@kmlegal.com

April 4, 2012

VIA ELECTRONIC MAIL ONLY
mgriffith@darienil.gov

Mr. Michael Griffith
City of Darien
Community Development Department
1702 Plainfield Road
Darien, IL 60561

RE: Public Hearing: PZC 2012-3 8245 Lemont Road, Chicago Tower Leasing

Dear Mr. Griffith:

Our office represents the Woodmere Condominium Association (hereinafter "the Association"). As I stated yesterday, I will be in attendance at the Planning and Zoning Commission Meeting this evening, along with members of the Board of Directors and members of the Association. It is my understanding that Chicago Tower Leasing Corporation (hereinafter "the Petitioner") is requesting a variance to allow it to construct a 200 foot tower where a 60 foot tower is the maximum permitted. The Association objects to this request for a variance for the following reasons:

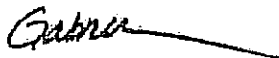
1. The Association is a neighboring property to the property location in question. As such, it is entitled to receive notice of the proposed variation, as acknowledged by you in electronic mail dated March 22, 2012, to Sylvia McIvor and John Gorak, an Owner within the Association. It is my understanding that Owners within the Association, who are within 250 feet of the subject property were not given notice of the last hearing. As notice may not have been properly given, the issue should not be considered by the Commission.
2. The Petitioner, under the terms of the City Code for Darien, has the burden of establishing several factors that must be considered by the Commission. One such factor is whether the purpose of the request is primarily based on a desire to increase financial gain. We have reviewed the Agenda Memo and supporting documents (hereinafter "Memo") for the meeting of March 21, 2012. There is no information stated within the documents submitted by the Petitioner as to what is Chicago Tower Leasing Corporation's financial interest in requesting the variance. Accordingly, as they have not satisfied their burden per Section 5A-2-2-3, the Commission must deny the request or, at a minimum, table the issue.

3. The Petitioner also has the burden to establish that there will not be any potential adverse effects on the neighboring properties. There is no evidence submitted by the Petitioner incorporated within the Memo that supports that the construction of a second tower, well over the allowed height, will not diminish or impair property values for the neighboring property, the Association. The simple conclusion by Petitioner is not enough. Not only is the Petitioner seeking a variation as it relates to the height of the tower, but it is seeking construction of a tower where one already exists. The fact that there will be two towers, with one greatly exceeding the height restrictions, along with the effect that these towers will have on the property values for the Association must be considered by the Commission. After all, there is a reason for the Code to require notice to be given to the neighboring parties and to require the Petitioner to provide such information related to the effect the action will have on the value of the neighboring property. This is not a factor that should be overlooked or not given great consideration in light of these economic times and the state of the current real estate market. The tower will be located directly behind many Units within the Association. It will be from the windows of these Units that these towers will be seen. It will be from the balconies and decks of these Units that these towers are seen. In this economy it is very difficult to sell one's home, especially a condominium. The Commission must consider the potential adverse effect this second tower will have on the Association. For this reason, the Commission must deny the request or, at a minimum, table the issue.
4. The Code also requires the Commission to consider whether the petition will adversely alter the essential character of the neighborhood. For the same reasons cited above, there has been no evidence submitted by the Petitioner to satisfy this requirement. The Association can appreciate the needs of FAA Controllers and the benefit they will receive by the construction of the tower and the granting of this request. However, the Commission cannot only consider the benefit to them but must also balance the rights and needs and benefit to the surrounding residential community. This tower will be directly behind the residential neighbors. This Commission must consider how the construction of this tower will alter the essential character of the neighborhood. The Petitioner must provide the Commission with such information and it has not. For this reason, the Commission must deny the request or, at a minimum, table the issue.

The Commission has considered other variances related to the construction of towers. Yet, this Petition is unique in that the subject property already has a tower in place. The granting of this request for a variance will result in two towers in one location. Not only will it result in two towers, but one tower will be significantly taller and will significantly exceed the height restrictions stated within the Code for the Village of Darien. The Commission must take into consideration the effect this second tower will have on the general nature of the neighborhood. This request is also unique in that the second tower will be directly behind the residential property that neighbors the subject location. While the Association requests that the variance be denied, at a minimum it requests that the issue be tabled until the Petitioner can present additional information as to how the construction of this tower will not adversely affect or change the character of the area and diminish or impair the property value for the neighboring properties, specifically the Association.

As stated, I will be at the meeting this evening with representatives from the Association. However, I would ask that you please forward this letter to the members of the Commission in advance of the meeting. If you would like to discuss this in advance of the meeting, please do not hesitate to contact me. Thank you.

Very truly yours,



GABRIELLA R. COMSTOCK
Attorney at Law

GRC

cc: Board of Directors for Woodmere Condominium Association
S:\data\client\Woodmere Condo\Tower Mt\4-4-12gre.village.wpd

Rosenthal, Murphey, Coblentz & Donahue

30 North LaSalle St. Suite 1624 -Chicago, Illinois 60602
Phone (312) 541-1070 ~ Fax (312) 541-9191
JBM Direct Dial (312) 541-1072
JBM e-mail: jmurphey@rmcj.com

Memorandum

Via E-mail

To: Dan Gombac
Fr: John B. Murphey
Date: April 4, 2012
Re: Zoning Proposal/8245 Lemont Road

Chicago Tower Leasing is requesting a special use and a variation from the height limitations of the Zoning Ordinance to allow construction of a cellular tower on property with an address of 8245 Lemont Road. The request is to allow a cellular tower with a height of approximately 200 feet.

Based on the material you gave me, the proposed tower is located to the south of an existing cell tower. The existing cell tower is immediately south of the Woodmere townhomes. In other words, the proposed cell tower will be more distant from the Woodmere townhomes than the existing cell tower. There is also a cell tower east of the existing and proposed cell tower much closer to Lemont Road.

The siting of cell towers by a city is regulated by a federal law called the Telecommunications Act, 47 USC § 332. Under Section 332, a local zoning authority, such as the City, has authority "over decisions regarding the placement, construction and modification" of cell towers. However, the decision of the City on any cell tower application must "be in writing and supported by substantial evidence contained in a written record." An applicant whose cell tower request is denied has the right to sue the City in federal court by claiming that the decision was not supported by substantial evidence.

In order to comply with the law, there will first need to be a written record. For example, the transcript from the Plan Commission hearing will need to be written up, as well as minutes of the Plan Commission meeting and any committee meetings.

Second, the Council decision must then be based on evidence which is set forth in this written record, and the evidence must be "substantial" under the law to support denial of the application. "Substantial evidence" can consist of such things as reduction of property value and adverse visual impact. On the other hand, mere

generalized concerns regarding aesthetics are insufficient to constitute substantial evidence justifying the denial of an application.

The law specifically prohibits the City from denying an application based on generalized concerns relating to environmental or health impacts of cell towers. The law specifically provides that the City may not regulate proposed cell towers "on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [applicable federal] regulation concerning such emissions." In other words, federal law preempts the ability of the City to deny a cell tower application based on perceived health or environmental effects of the radio frequencies.

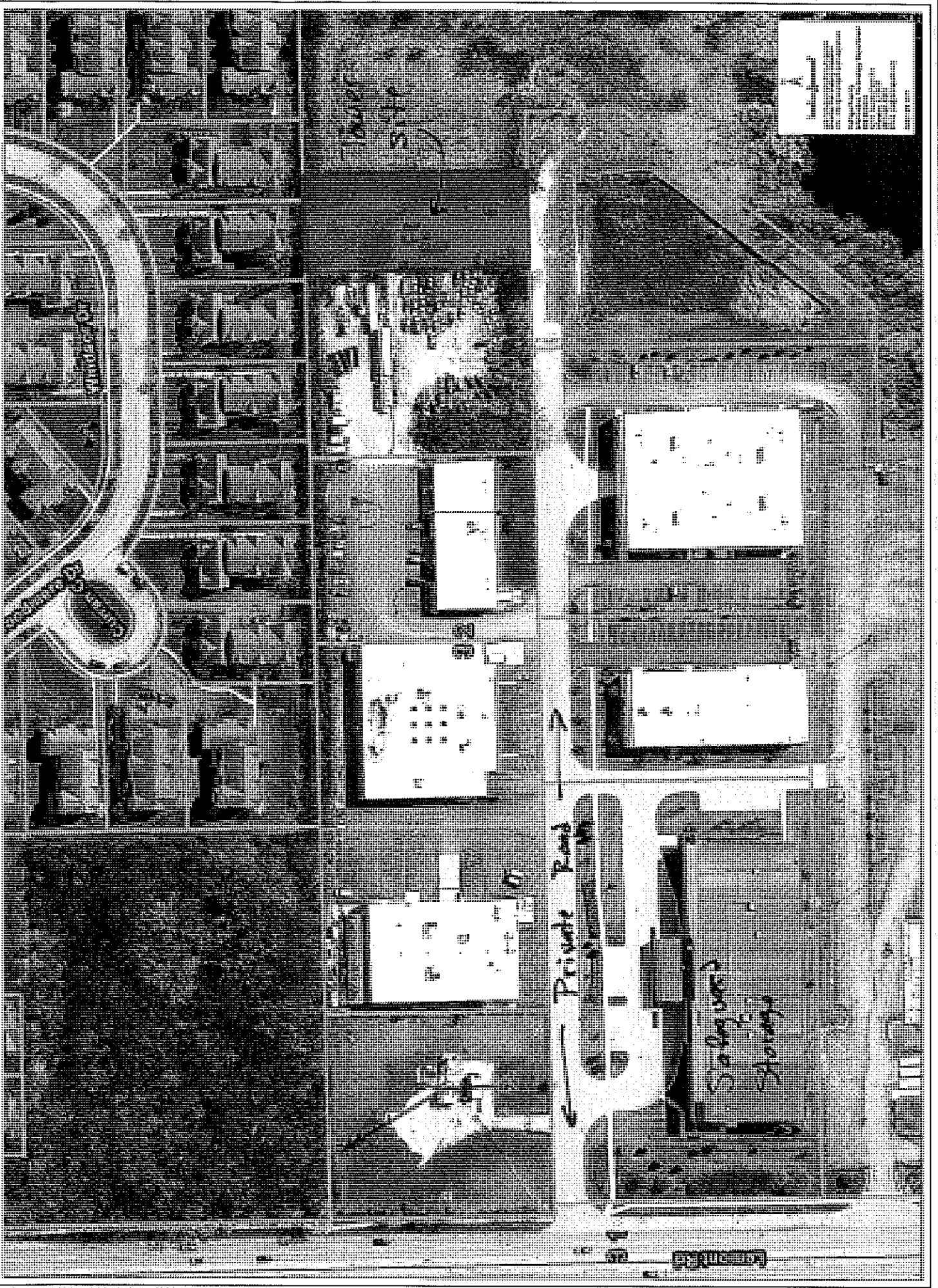
In response to your specific inquiries, the City could deny a cell tower application based on a conclusion that the tower will "diminish property values," or have specific adverse visual impacts. However, that decision must be based on real evidence such as testimony or written appraisals from a qualified real estate professional on the issue of property values. Specific testimony regarding adverse visual impact would likewise need to be provided by residents who would be adversely affected by the new tower. The City may not deny the application based on generalized comments regarding "aesthetics," or concerns about potential environmental or health issues.

The biggest hurdles facing any objectors stem from the existing tower and the office-industrial nature of the property south of Woodmere. Here are what appear to be the key facts: (i) there is an existing cell tower which is closer to the townhomes than the one being proposed; (ii) the existing tower preceded the Woodmere development, meaning that everyone who bought homes on the southern perimeter knew of the presence of the tower and bought anyway; and (iii) the area where the tower is proposed is office-industrial in nature, and the addition of a new cell tower is consistent with the allowable uses of this property.

With this set of facts, it may be challenging to create a record with substantial evidence that a more distant tower will diminish property values or have a real adverse visual impact on nearby property owners. Evidence of this nature would need to come from those homeowners located on the southern perimeter of Woodmere.

Please call with questions. Thanks.

JBM/sml



Legend

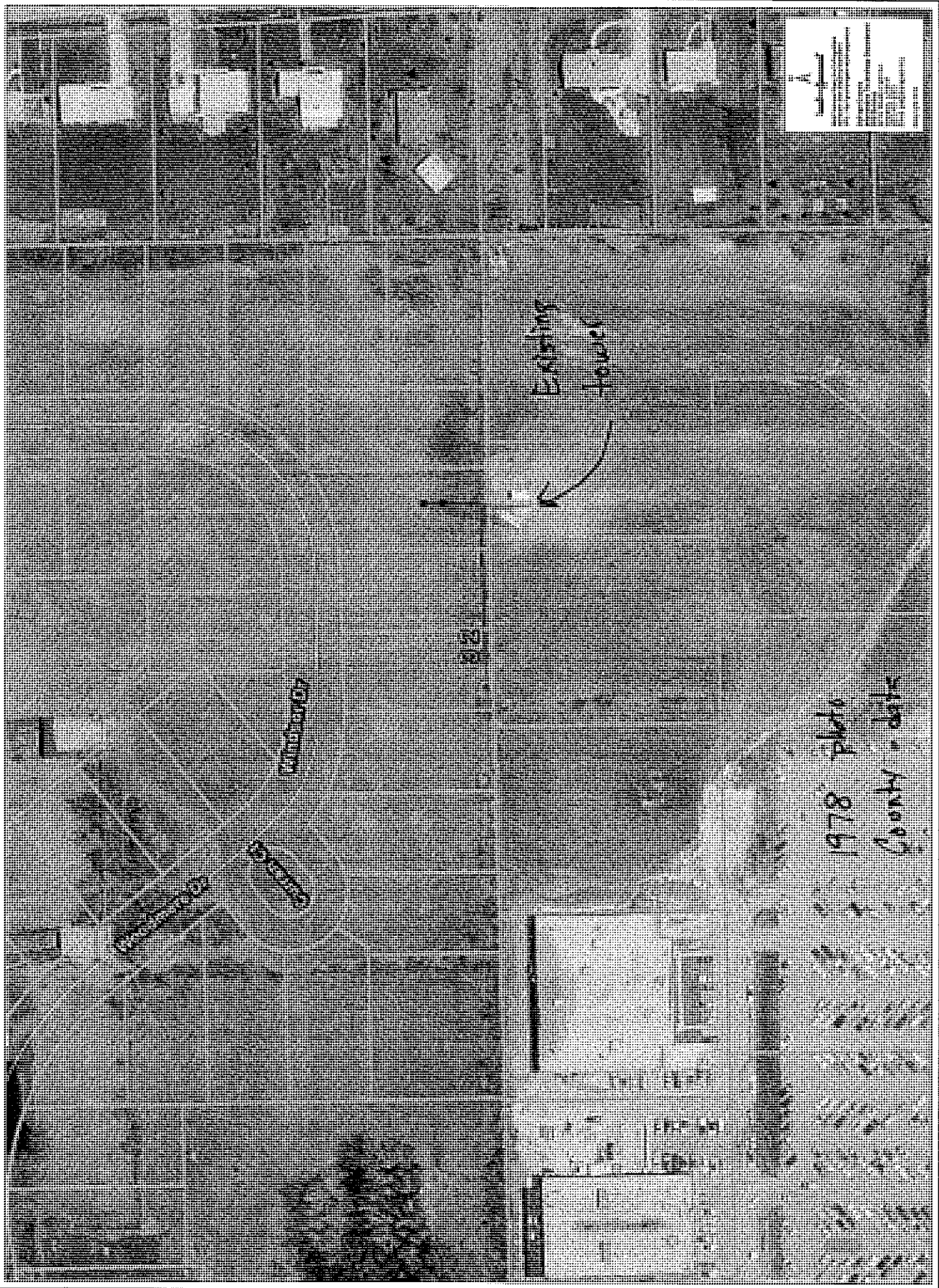
- Property Lines
- Streets
- Water
- Vegetation
- Buildings
- Other

Tower 2

Private Road

Storage

Legend





 DuPage County, Illinois

 Planning & Development Department

 100 North LaSalle Street, Suite 1000

 Chicago, Illinois 60610

 Phone: (773) 399-3300

 Fax: (773) 399-3301

 Website: www.dupage.org

Existing towers

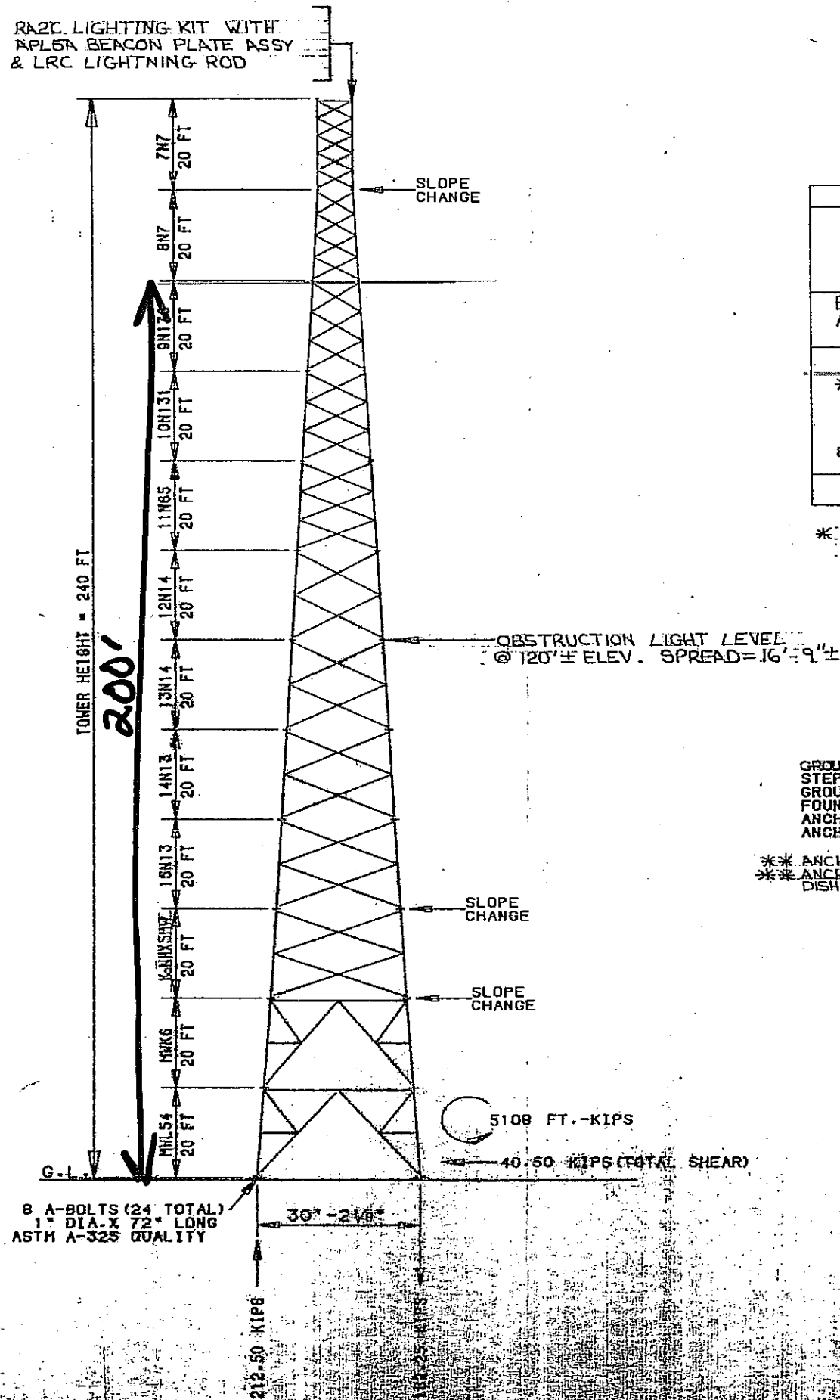


812

812

1978 photo
8161
County - data

RA2C LIGHTING KIT WITH
APL5A BEACON PLATE ASSY
& LRC LIGHTNING ROD



TOWER DESIGN LOADING		
WIND LOAD = E.I.A. ZONE 'B'		
THE DESIGN ASSUMES ANTENNA TRANSMISSION LINES ARE EVENLY DISTRIBUTED OVER TWO TOWER FACES.		
THIS TOWER IS DESIGNED TO SUPPORT THE FOLLOWING LOADS		
ELEV-ATION (FT)	ANTENNA TYPE	PROJ. AREA (SF)
235	8' DIA. H.P. DISH [277]	42
220	8' DIA. STD. DISH [272]	56
X 200	8' DIA. STD. DISH [220]	56
180	8' DIA. STD. DISH [52]	56
160	8' DIA. STD. DISH [123]	56
150	6' DIA. GRID DISH [170]	13
100	QCS2-6 AND QCS-7	40 (TOTAL)
84+78	4' DIA. GRID DISH [170]	13 (TOTAL)
60	2-DFM9	10 (TOTAL)

NOTE ANTENNA AZIMUTH IS SHOWN IN DEGREES WITHIN THE [BRACKETS]

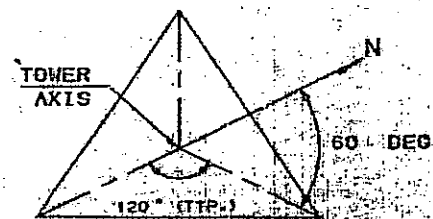
* THESE ANTENNAS MUST BE INVERTED FOR MOUNTING.

REFERENCE DRAWINGS	
(DRAWINGS SUBMITTED ARE LATEST REVISIONS)	
CROUTING AND DRAINAGE DETAIL	B691111
STEP BOLT DETAIL	B651264
GROUNDING DETAIL (3-BOLTS)	C731185
FOUNDATION AND ANCHOR TOLERANCE	A810214
ANCHOR BOLT TEMPLATE INSTALLATION	B730521
ANCHOR BOLT LAYOUT	B540322
LIGHTING KIT (RA2C240 w/ RK2CRIT55)	C620503
ANCHOR BOLT TEMPLATE FAB (3-17.0.T)	SK740207
ANCHOR BOLT TEMPLATE FAB (3-17.0.B)	C621080
DISH MOUNT AND DE-BACK ASSY (W74714)	B840373

SECTION ASSEMBLY DETAILS			
DRAWINGS SUBMITTED ARE LATEST REVISIONS			
SECTION NUMBER	ASSEMBLY DRAWING	FAB. DWG. - (IF REQ'D)	BRACE
7N7	A780148		
8N7	A780250		
9N176	A830250		B800782
10N131	A830253	B830898	B800668
11N65	A800050	B800163	B740953
12N14	A780019		SK720921
13N14	A790043	B750139	SK737793
14N13	A790065	B741126	B780147
15N13	A790334	B741126	B781024
16NHXS MW	B790852		
HWK8	B738596		
MWL54	B840326		

GENERAL NOTES

- SEE INDIVIDUAL SECTION ASSEMBLY DRAWINGS FOR PART NUMBERS AND SECTION ASSEMBLY DETAILS.
- FABRICATION DRAWINGS, IF REFERENCED, ARE FOR SHOP USE ONLY.
- THE LEG PART NUMBER IS STAMPED AT THE BOTTOM OF EACH LEG OF EACH SECTION.
- STEP BOLTS ARE PROVIDED ON ONE LEG ONLY FOR SECTIONS 8 THROUGH 11 AND ON ALL THREE LEGS FOR SECTIONS 12 THROUGH 16 AND ALL HW SECTIONS.
- PAL NUTS ARE PROVIDED FOR ALL TOWER BOLTS.
- FOUNDATIONS DESIGNED AND SUPPLIED BY OTHERS MUST BE ADEQUATE TO SUPPORT THE REACTORS SHOWN.



TOWER ORIENTATION (N.T.S.)

UNR-ROHN			
DIVISION OF UARGO INDUSTRIES, INC.			
THIS DRAWING IS THE PROPERTY OF UNR-ROHN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRACED IN WHOLE OR IN PART WITHOUT OUR WRITTEN CONSENT.			
UNR-ROHN TOWER ASSEMBLY			
SCALE: 1/4" = 2'-0"	DATE: 11/15/58	DESIGN: J. H. HARRIS	APP. DATE: 11/15/58
DRAWN BY: J. H. HARRIS	CHECKED BY: J. H. HARRIS	DATE: 11/15/58	SCALE: 1/4" = 2'-0"
APP. DATE: 11/15/58	DATE: 11/15/58	SCALE: 1/4" = 2'-0"	SCALE: 1/4" = 2'-0"
DATE: 11/15/58	DATE: 11/15/58	SCALE: 1/4" = 2'-0"	SCALE: 1/4" = 2'-0"

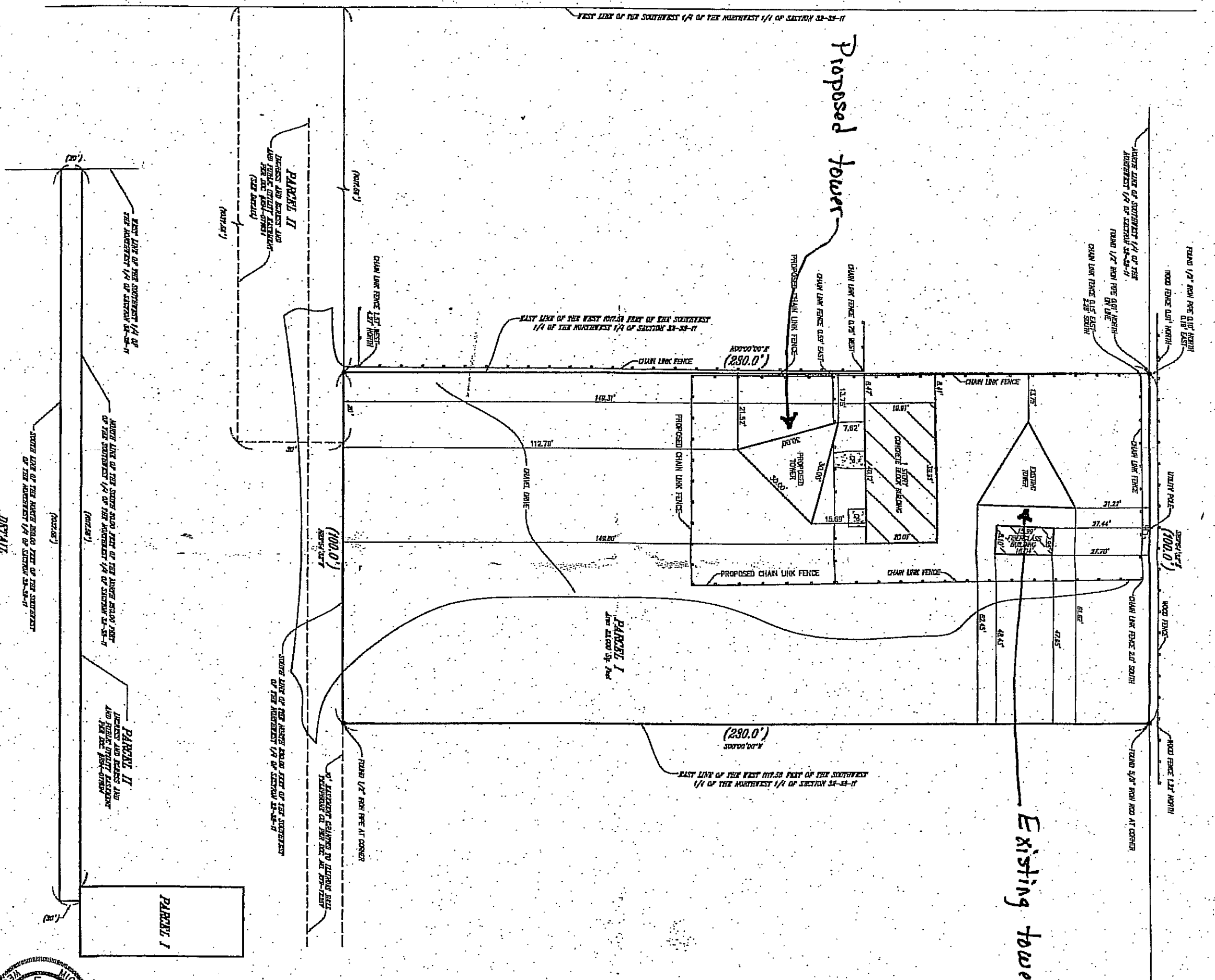
NELSON SURVEYORS, LLC.

PLAT OF SURVEY

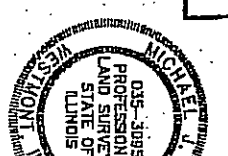
- LEGEND**
1. BOUNDARY POINT
 2. BOUNDARY SET
 3. ROAD DIRECTION
 4. PUBLIC UTILITY EASEMENT
 5. POLYMER EASEMENT
 6. EASEMENT OF WAY
 7. CONCRETE FENCE
 8. CONCRETE WALL

PARCEL 1: THE NORTH 200.00 FEET OF THE EAST 100.00 FEET OF THE WEST 117.56 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 28 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEWAGE COUNTY, ILLINOIS AND CONTAINING 0.589 ACRES MORE OR LESS.

PARCEL 2: THE SOUTH 90 FEET OF THE NORTH 200 FEET OF THE WEST 109.66 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 28 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEWAGE COUNTY, ILLINOIS.



SCALE
1" = 400'



BY LICENSEE EXPRESS HOWARD
STATE OF ILLINOIS
COUNTY OF DEWAGE

BEFORE ME, NOTARY PUBLIC, my commission expires on _____, 2011. I have examined the foregoing plat and find it to be a correct and true copy of the original as shown to me by the surveyor. My commission expires on _____, 2011.

NOTARY PUBLIC
MICHAEL J. HARTY
STATE OF ILLINOIS
COMMISSION NO. 035-3895

99-11447
PLAT BOOK 28-64

I HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS AND THAT I AM THE AUTHOR OF THE FOREGOING SURVEY. I HAVE EXAMINED THE ORIGINAL SURVEY RECORD AND FIND IT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL AS SHOWN TO ME BY THE SURVEYOR. MY COMMISSION EXPIRES ON _____, 2011.

NOTARY PUBLIC
MICHAEL J. HARTY
STATE OF ILLINOIS
COMMISSION NO. 035-3895

AGENDA MEMO
Municipal Services Committee
April 23, 2012

ISSUE STATEMENT

Approval of a resolution to accept a proposal for the purchase of rock salt from North American Salt Company in an amount not to exceed \$195,681.50.

BACKGROUND/HISTORY

The City of Darien recently went out to bid for rock salt. The rock salt is utilized by the Municipal Services Department for street de-icing operations during the snow season. Due to the warm winter season, the City only utilized approximately 900 tons of salt and has approximately 2000 tons within the salt storage building. The salt pricing in comparison to last year's unit price has increased by \$2.00 a ton.

Staff had requested sealed bids for the 2012/13 with the following options:

Option No. 1: Purchasing approximately 900 tons of sodium chloride salt. This option would allow the storage building to be full for the year.

Option No. 2: Allows the City an opportunity to purchase an additional 2100 tons should the City require additional salt due to severe weather and/or to restock the storage building.

Option No. 3 and 4 was for the purchase of treated salt. Staff is not recommending the purchase of treated salt at this time.

Attached and labeled as Attachment A, please find the prices received at the bid opening held on April 2, 2012. Staff received 4 (four) bids with the lowest bidder being North American Salt Company. The 2012-13 per ton unit pricing is \$68.60, at a not to exceed \$180,000 for the department and as per the following schedule:

Option No. 1: Purchasing approximately 900 tons, (600 tons by August 13, 2012 and the remaining 300 tons by January 31, 2013) in an amount not to exceed of \$61,740.00.

AND

Option No. 2: Purchasing approximately an additional 1700 tons between February 1, 2013 and April 1, 2013, (1300 tons by March 1, 2013, and the balance by April 1, 2013) at a cost not to exceed \$116,620. The proposed option allows the City to purchase the additional salt, as the department requires due to severe weather and/or to restock the storage building.

In addition, the Darien Park District and Center Cass School District #66 will be purchasing up to 245 and 7.5 tons respectively of rock salt not to exceed \$17,321.50. A forthcoming agenda memo will cover the Intergovernmental Agreements between the City and the Darien Park District and Center Cass School District #66.

The proposed expenditure would be expended from the following account:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 12-13 BUDGET	PROPOSED EXPENDITURE	PROPOSED BALANCE
03-60-4249	SALT Option No. 1	\$180,000.00	\$ 61,740.00	\$118,260.00
03-60-4249	SALT Option No. 2		\$116,620.00	\$1,640.00
TOTAL CITY COST			\$178,360.00	
03-60-4249	DARIEN PARK DISTRICT-REIMBURSABLE	N/A	\$ 16,807.00	N/A
03-60-4249	DISTRICT 66-REIMBURSABLE	N/A	\$ 514.50	N/A
TOTAL REIMBURSABLE			\$ 17,321.50	
TOTAL ROCK SALT COST			\$195,681.50	

STAFF RECOMMENDATION

Staff recommends approval of this resolution with North American Salt Company for the annual purchase of Rock Salt in an amount not to exceed \$195,681.50. North American has provided rock salt in 2011-12 with satisfactory services. The contract also called for future contract extensions that would be evaluated for consideration and approval after the winter season.

ALTERNATE CONSIDERATION

Not approving the contract.

DECISION MODE

This item will be placed on the May 7, 2012 City Council agenda for formal approval.

CITY OF DARIEN PUBLIC WORKS
 1702 PLAINFIELD ROAD
 DARIEN, IL 60561

SEALED BID: 2012-2015 Road Salt

OPENING DATE/TIME: April 2, 2012 @ 10:00 a.m.

ITEM	DESCRIPTION	Central Salt		North American Salt		Cargill Salt		Morton Salt	
		Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
2012-13									
Opt 1	Sodium Chloride	\$ 68.85	\$ 61,965.00	\$ 68.60	\$ 61,740.00	\$ 70.27	\$ 63,243.00	\$ 82.30	\$ 74,070.00
Opt 2	Sodium Chloride Salt	\$ 68.85	\$ 144,585.00	\$ 68.60	\$ 144,060.00	\$ 70.27	\$ 147,567.00	\$ 82.30	\$ 172,830.00
	Total Options 1 & 2		\$ 206,550.00		\$ 205,800.00		\$ 210,810.00		\$ 246,900.00
Opt 3	Calcium Chloride Salt	\$ 78.60	\$ 70,740.00	\$ 83.60	\$ 75,240.00	\$ 78.51	\$ 70,659.00	No bid	No bid
Opt 4	Calcium Chloride Salt	\$ 78.60	\$ 165,060.00	\$ 83.60	\$ 175,560.00	\$ 78.51	\$ 164,871.00	No bid	No bid
	Total Options 3 & 4		\$ 235,800.00		\$ 250,800.00		\$ 235,530.00		
2013-14									
Opt 1	Sodium Chloride	No bid	No bid	\$ 70.60	\$ 63,540.00	\$ 72.27	\$ 65,043.00	\$ 86.41	\$ 77,769.00
Opt 2	Sodium Chloride Salt	No bid	No bid	\$ 70.60	\$ 148,260.00	\$ 72.27	\$ 151,767.00	\$ 86.41	\$ 181,461.00
	Total Options 1 & 2				\$ 211,800.00		\$ 216,810.00		\$ 259,230.00
Opt 3	Calcium Chloride Salt	No bid	No bid	\$ 85.60	\$ 77,040.00	\$ 78.51	\$ 70,659.00	No bid	No bid
Opt 4	Calcium Chloride Salt	No bid	No bid	\$ 85.60	\$ 179,760.00	\$ 78.51	\$ 164,871.00	No bid	No bid
	Total Options 3 & 4				\$ 256,800.00		\$ 235,530.00		
2013-14									
Opt 1	Sodium Chloride	No bid	No bid	\$ 72.59	\$ 65,331.00	\$ 74.27	\$ 66,843.00	\$ 90.73	\$ 81,657.00
Opt 2	Sodium Chloride Salt	No bid	No bid	\$ 72.59	\$ 152,439.00	\$ 74.27	\$ 155,967.00	\$ 90.73	\$ 190,533.00
	Total Options 1 & 2				\$ 217,770.00		\$ 222,810.00		\$ 272,190.00
Opt 3	Calcium Chloride Salt	No bid	No bid	\$ 87.59	\$ 78,831.00	\$ 80.51	\$ 72,459.00	No bid	No bid
Opt 4	Calcium Chloride Salt	No bid	No bid	\$ 87.59	\$ 183,939.00	\$ 80.51	\$ 169,071.00	No bid	No bid
	Total Options 3 & 4		\$ -		\$ 262,770.00		\$ 241,530.00		

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT A PROPOSAL FOR THE PURCHASE OF ROCK SALT FROM NORTH AMERICAN SALT COMPANY IN AN AMOUNT NOT TO EXCEED \$197,321.50

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 accepts a proposal for the purchase of rock salt from North American Salt Company in an amount not to exceed \$197,321.50, hereby attached 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 7th day of May 2012.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 7th day of May 2012.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PROPOSAL SHEET
BULK HIGHWAY DEICING SALT
MAY 1, 2012-APRIL 30, 2013

SEALED PROPOSALS MUST BE RECEIVED BY THE CITY OF DARIEN NO LATER THAN 10:00 AM ON MONDAY, APRIL 2, 2012

DESCRIPTION	UNIT	MAXIMUM QUANTITY	UNIT COST	TOTAL
OPTION NO. 1 - SODIUM CHLORIDE	TON	900	68.60	61,740. ⁰⁰
OPTION NO. 2 - SODIUM CHLORIDE SALT	TON	2100	68.60	144,060. ⁰⁰
TOTAL COST FOR OPTION NO. 1 AND 2				205,800. ⁰⁰

TOTAL COST IN WORDS FOR OPTION NO. 1 AND 2

Two hundred five thousand, eight hundred dollars and zero cent.

DESCRIPTION	UNIT	MAXIMUM QUANTITY	UNIT COST	TOTAL
OPTION NO. 3 CALCIUM CHLORIDE SALT	TON	900	83.60	75,240. ⁰⁰
OPTION NO. 4 CALCIUM CHLORIDE SALT	TON	2100	83.60	175,560. ⁰⁰
TOTAL COST FOR OPTION NO. 3 AND 4				250,800. ⁰⁰

TOTAL COST IN WORDS FOR OPTION NO. 3 AND 4 *THAWROX-treated salt*
 Please see product specifications - *SODIUM chloride treated w/ magnesium chloride*

Two hundred fifty thousand, eight hundred dollars and zero cent

SUMMARY COSTS					
YEAR	OPTION NO. 1	OPTION NO. 2	OPTION NO. 3 See Spec's	OPTION NO. 4 See Spec's	
2012-13	Unit \$ 68.60/TON	\$ 68.60/TON	\$ 83.60/TON	\$ 83.60/TON	
	Total \$ 61,740.00	\$ 144,060.00	\$ 75,240.00	\$ 175,560.00	
Year 1-Extension	\$ 70.60/TON	\$ 70.60/TON	\$ 85.60/TON	\$ 85.60/TON	
2013-14	\$ 63,540.00	\$ 148,260.00	\$ 77,040.00	\$ 179,760.00	
Year 2-Extension	\$ 72.59/TON	\$ 72.59/TON	\$ 87.59/TON	\$ 87.59/TON	
2014-15	\$ 65,331.00	\$ 152,439.00	\$ 78,831.00	\$ 183,939.00	

North American Salt Co., A Compass Minerals Co.

COMPANY NAME:

CONTACT NAME:

ADDRESS:

CITY, STATE & ZIP:

PHONE NUMBER:

FAX NUMBER:

E-MAIL ADDRESS:

Sean Lierz, Sales Manager
 9900 W. 109th St., Ste. 100
 Overland Park, KS 66210
 800-323-1641
 913-338-7945
 LierzS@compassminerals.com

I hereby certify that the above-described salt meets or exceeds all specifications of the proposal notice for the City of Darien, Illinois.

DATE:

SIGNED:

PRINT NAME:

3/23/12
 Sean Lierz
 SEAN LIERZ
 AUTHORIZED COMPANY REPRESENTATIVE

AGENDA MEMO
Municipal Services Committee
April 23, 2012

ISSUE STATEMENT

A resolution authorizing the purchase of 2 new fuel dispensers, Option A- Option-B and installation from Crowne Industries in an amount not to exceed \$15,700.

BACKGROUND/HISTORY

The proposed fuel pumps located at the Public Works Facility would replace the existing system, which are approximately 30 years of age. The pump bodies are deteriorating due to rust and parts for the existing system are no longer manufactured and are difficult to maintain. The 2 independent pumps would be used for unleaded gasoline and diesel fuel.

The quotes included two options as follows:

Option A- 2 (two) – New hanging hardware for diesel including 1” hoses, break away, swivel and nozzle

Option B- 2 (two) – New hanging hardware for unleaded gasoline including balance hoses, break away and nozzle

The staff had requested competitive quotes and received 4 responses. Attached and labeled as Attachment 1 please find the results of the competitive quotes for the purchase of 2 new fuel dispensers, and Option A- and Option B including installation. The FY12-13 budget included the funding for the proposed hardware.

The proposed item would be expended from the following account:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 12/13 BUDGET	PROPOSED EXPENDITURE	PROPOSED BALANCE
01-30-4223	Fuel Pump R&R	\$ 9,000.00	\$ 7,850.00	\$ 1,150.00
01-30-4223	Fuel Pump R&R	\$ 9,000.00	\$ 7,850.00	\$ 1,150.00

Staff Recommendation

Staff recommends approval of this resolution with the purchase of 2 new fuel dispensers, Option- A, Option-B and installation from Crowne Industries in an amount not to exceed \$15,700.

Alternate Consideration

Not approving this item at this time.

Decision Mode

This item will be placed on the May 7, 2012 City Council agenda for formal consideration.

CITY OF DARIEN PUBLIC WORKS
1702 PLAINFIELD ROAD
DARIEN, IL 60561

Attachment 1

SEALED BID: 2012 Fuel Pump Removal and Replacement

OPENING DATE/TIME: April 4, 2012 @ 10:00 a.m.

ITEM DESCRIPTION	Ampsco Service Corp		Accurate Tank Technologies		Mankoff Industries Inc		Crowme Industries	
Items 1 - 8	\$	14,600.00	\$	17,605.00	\$	19,694.00	\$	14,500.00
Option A	\$	800.00	\$	670.00	\$	850.00	\$	400.00
Option B	\$	1,000.00	\$	1,390.00	\$	1,050.00	\$	800.00
Total	\$	16,400.00	\$	19,665.00	\$	21,594.00	\$	15,700.00

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) NEW FUEL DISPENSERS, OPTION-A, OPTION-B AND INSTALLATION FROM CROWNE INDUSTRIES IN AN AMOUNT NOT TO EXCEED \$15,700.00

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 authorizes the purchase of two (2) new fuel dispensers. Option-A, Option-B and installation from Crowne Industries in an amount not to exceed \$15,700.00 which is attached hereto as "Exhibit A" and is by this reference expressly incorporated herein.

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 7th day of May, 2012.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 7th day of May, 2012.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF DARIEN

THIS FORM MUST BE COMPLETED AND SEALED WITHIN AN ENVELOPE
CLEARLY LABELED AS GAS PUMPS AND RETURNED TO 1702 PLAINFIELD
ROAD BY NO LATER THAN APRIL 4, 2012 - 10 A.M.

ATTN: PUBLIC WORKS

QUESTIONS MAY BE DIRECTED TO MUNICIPAL SERVICES AT 630-353-8105

Submitted by: Robert Sumoski

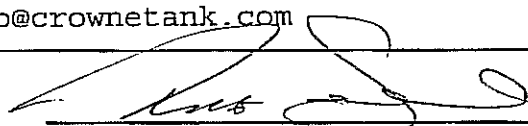
Vendor Name: Crowne Industries, Ltd.

Address: 2511 W. Schaumburg Road #358, Schaumburg, IL. 60194

Date: 4-3-2012

Phone #: 630-497-9009 Fax #: 630-929-7555

E-mail Address: bob@crownetank.com

Authorized Signature: 

Quote Amount Items 1-8: \$ 14,500.00

Quote Amount in Writing: Fourteen Thousand Five Hundred Dollars

Quote Amount for Option A: \$ 400.00

Quote Amount in Writing: Four Hundred Dollars

Quote Amount for Option B: \$ 800.00

Quote Amount in Writing: Eight Hundred Dollars

The vendor shall provide three references with phone numbers below:

1. Palatine School District 847-755-1798 Ed
2. Village of Franklin Park 847-361-9154 Rich Pina
3. Enterprise Rent A Car 630-426-9094 Steve Datillo

Acceptance of Quote:

By: _____ Date: _____
City of Darien

Authorized and Accepted:

By: _____

Title: _____

Date: _____



CITY OF DARIEN

In the County of DuPage and the State of Illinois
Incorporated 1969

March 19, 2012

The City of Darien is soliciting for competitive quotes for the removal and replacement of the fuel pumps at the City of Darien-Public Works Facility, located at 1041 South Frontage Road. The general scope of work shall include the following:

1. Remove and dispose of two existing dispensers. 1 – Diesel, 1 - Unleaded
2. Supply and install (2) Electronic Go Pump Bennett or equivalent single product dual hose low hose style suction dispensers with the following;
-Rated for flow rate up to 23 gpm when one hose is being used and 13 gpm when both hoses are being used at the same time
3. Side mounted nozzle boots
4. Digital read outs
5. Stainless steel front doors and side panels
6. Pulse output to operate, record and report fuel usage with existing FuelMaster fuel management system
7. Balance vapor recovery equipment on gasoline dispenser
8. 4 - New hose retractors

Options:

- A. 2 (two) - New hanging hardware for diesel including 1" hoses , break away, swivel and nozzle
- B. 2 (two) - New hanging hardware for unleaded gasoline including balance hoses, break away and nozzle

General notes:

All permits required by the City shall be waived.

The project is anticipated to begin by May 1, 2012 and completed by May 11, 2012. Sealed quotes will be accepted until April 4, 2012, until the hour of 10:00 a.m. Quotes shall be opened and read aloud at 10:00 am at the City of Darien, 1702 Plainfield Road-upstairs Conference Room. Sealed quotes may be mailed or delivered to the City of Darien at 1702 Plainfield Road and clearly marked as Fuel Tank Dispenser Project, ATTN: Ashley Prueter. Vendor may visit the site for an inspections. Any questions regarding the current operation of the existing FuelMaster Fuel Management system may be directed to Kris Throm at kthrom@darienil.gov.

The attached form must be used.

Any and all requests or addendums shall be made in writing to the attention of Director of Municipal Services via fax or e-mail to 630-852-4709 or dgombac@darienil.gov. All requests will be responded to within 48 hours to all bidders on file.

AGENDA MEMO
Municipal Services Committee
April 23, 2012

Issue Statement

Approval of a resolution to enter into an engineering agreement with Christopher B. Burke Engineering for the City Entrance Monument Signs in an amount not to exceed \$18,000 for DuPage County permitting.

Background/History

Attached, please find an engineering agreement with the City Engineer, Christopher B. Burke Engineering for the City Entrance Monument Signs to be located within various DuPage County Right of Ways. The 2012-13 Budget calls out for the removal and replacement of up to 5 signs. Recently City staff was notified by DuPage County that the City will be required to submit engineering/site plans for each proposed sign location. The staff did not anticipate that detailed engineering plans would be required. While the City Council approved the 2012-13 budget to include up to five monument signs staff has included 7 of the 8 locations for engineering plans. The final location on 75th Street is currently under construction and the monument plans would be submitted to the County during the design-landscaping plan as prepared by the County. The following locations 1-7 would be included within the engineering agreement, and staff is recommending that locations 1-5 be targeted for construction in 2012.

1. 75th St and Clarendon Hills Road
2. Cass Ave and 67th Street
3. Cass Ave and North Frontage Road (Hinswood Ave)
4. Lemont Road and Cheese Road
5. 83rd Street and Woodward Ave
6. 87th Street and Ailsworth Drive
7. Plainfield Road west of Route 83

The following engineering tasks would be performed under the agreement for a DuPage County permit review process:

Task 1 – Survey: After each sign location is selected at each site, a topographic survey will be conducted to locate all ground features for 100 feet in each direction. The survey will be limited to the side of the right-of-way where the sign will be located and include curb, driveways, sidewalks, utilities, signs, trees and other ground features that may exist. The survey will indicate right-of-way limits based on available records and monuments. The survey will be tied to County datum and have a recoverable site benchmark. (Note that the 75th Street at Lemont Road location will not be surveyed). After the site visits, the City will request a utility locate from J.U.L.I.E. prior to the survey fieldwork.

Total Engineering Cost for Task 1 - \$8,000.00

Task 2 – Site Engineering Plan: Based on the site survey, a plan showing the proposed plan will be prepared. This will be used to evaluate site lines and potential conflicts with existing utilities or other ground features. It is anticipated that the sign will be located as far from the

edge of road as conditions allow. This plan will support the DuPage County permit application requirements.

Total Engineering Cost for Task 1 - \$8,000.00

Task 3 – Sign Detail: The sign detail will be at a level necessary for permitting and show the dimensions of footings, foundation, columns, and sign panel. This will include sufficient dimensions for plan preparation and permitting and for the sign vendor to prepare detailed shop drawings. The sign panels may vary in width from 5-feet to 8-feet pending DuPage County comments.

Total Engineering Cost for Task 1 - \$1,000.00

Task 4 – Landscape Plan: A landscape planting plan which can be used for all locations will be prepared. It is anticipated that the plan would utilize low maintenance perennials tolerant of conditions typical to road rights-of-way.

Total Engineering Cost for Task 1 - \$1,000.00

Please note all tasks are based on actual hours at a not to exceed total for each task. A separate agenda memo will be forthcoming for the purchase of the materials and construction of the proposed signs after the City receives the permit from the County. The funding for the engineering services would be expended from the following line item of the FY13 Budget:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 12-13 BUDGET	YEAR TO DATE TO BE EXPENDED	PROPOSED EXPENDITURE	PROPOSED BALANCE
25-35-4815	Welcome Sign Replacements	\$ 108,000.00	\$ 0	\$ 18,000.00	\$ 90,000

Staff Recommendation

Staff recommends the approval of the engineering agreement engineering agreement with Christopher B. Burke Engineering for the City Entrance Monument Signs in an amount not to exceed \$18,000.

Tentative Schedule

Description/Task	Completion Date
Engineering Tasks 1-5	6-8 weeks-Due May 21
DuPage County Permitting Process	10-12 weeks-Due August 13
Prepare and Review Requests for Quotations	May 21-June 18
Committee Agenda Review/Approval	June 25
City Council Agenda Review/Approval	July 2 or 16
Material Purchase	July 17-August 10
Start Construction	August 1
Completion	October 15

Monument Entrance Sign
April 23, 2012
Page 3

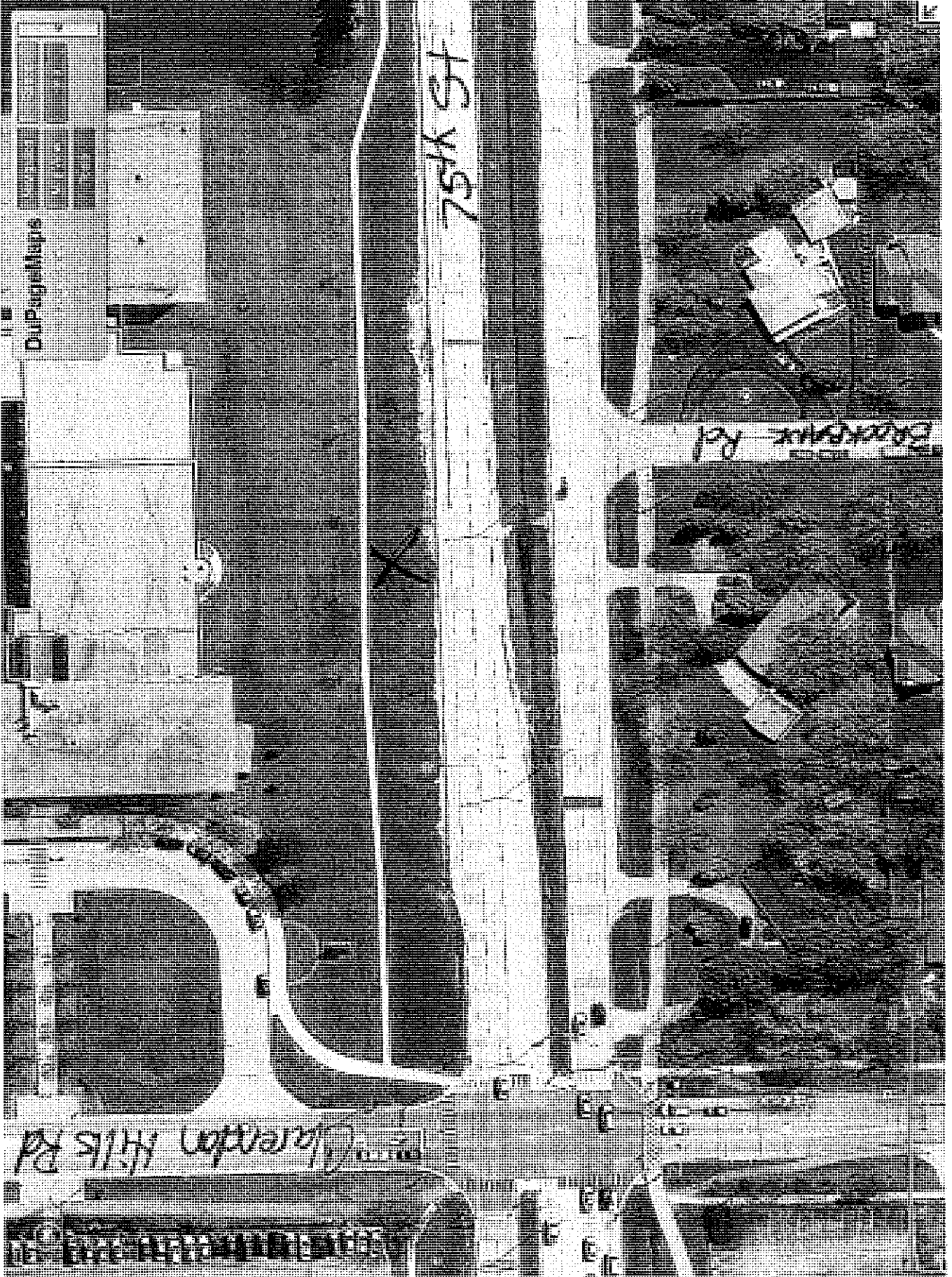
Alternate Consideration

Not approving the agreement.

Decision Mode

This item will be placed on the May 7, 2012 City Council agenda for formal approval.

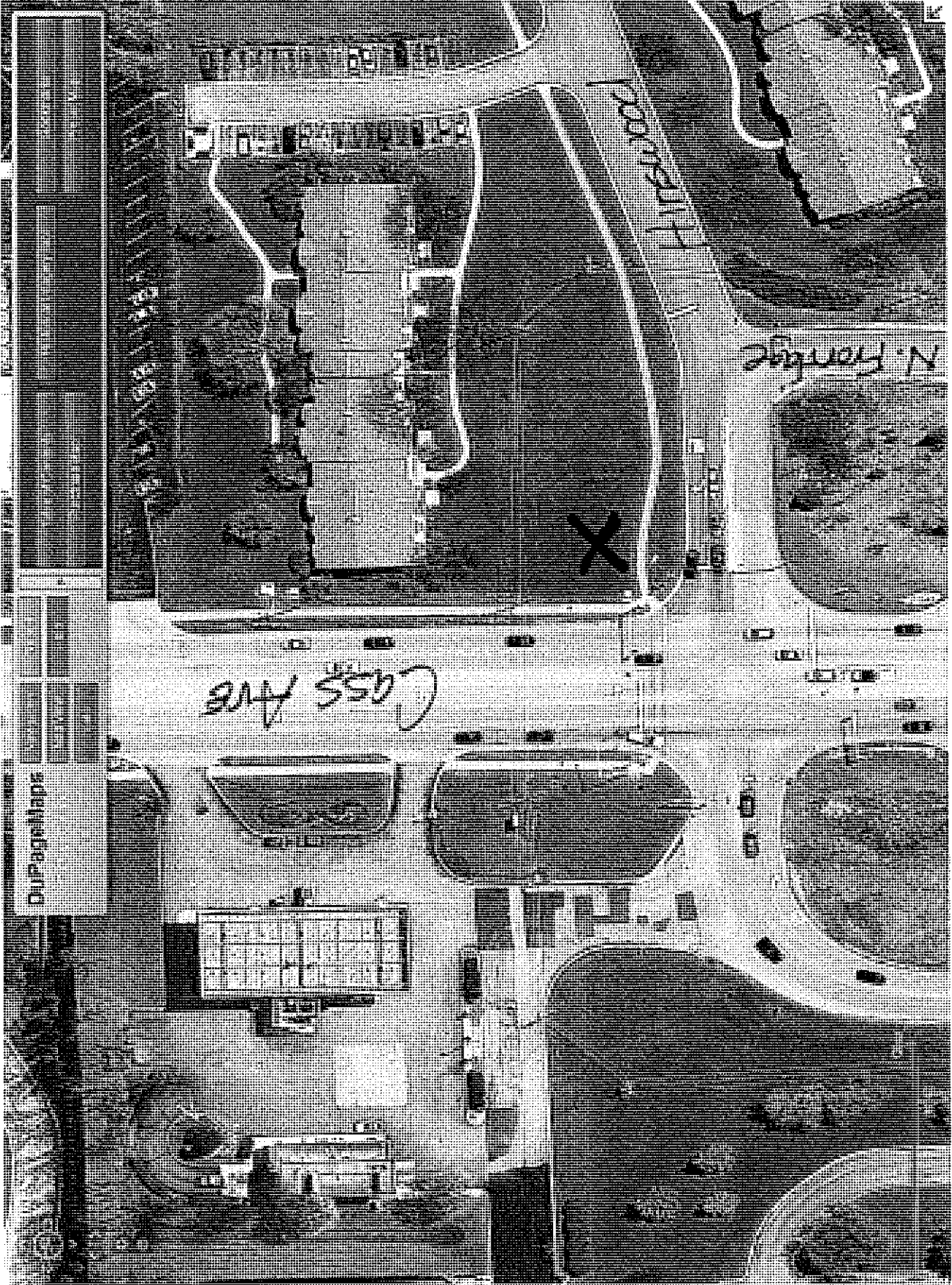
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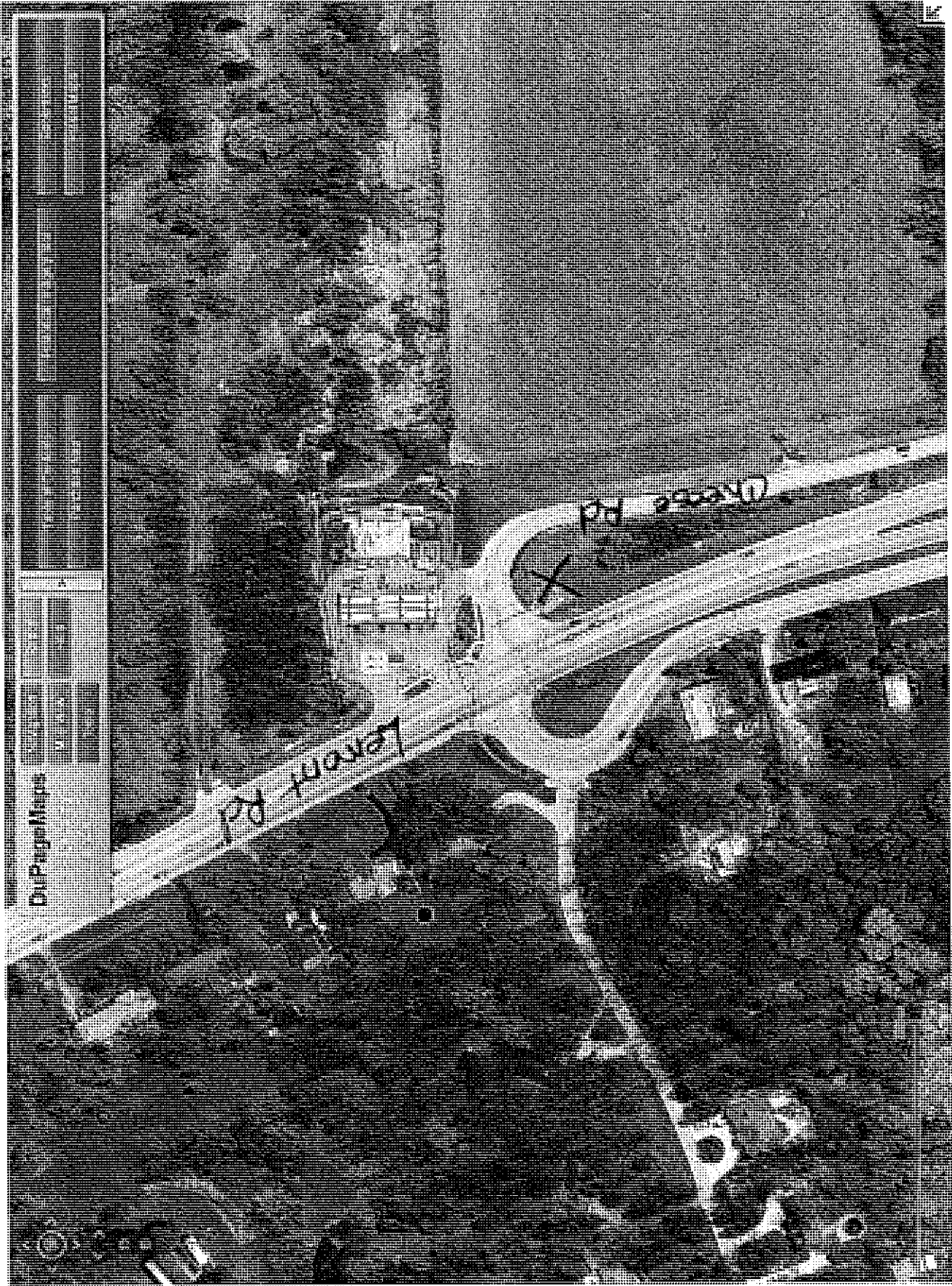
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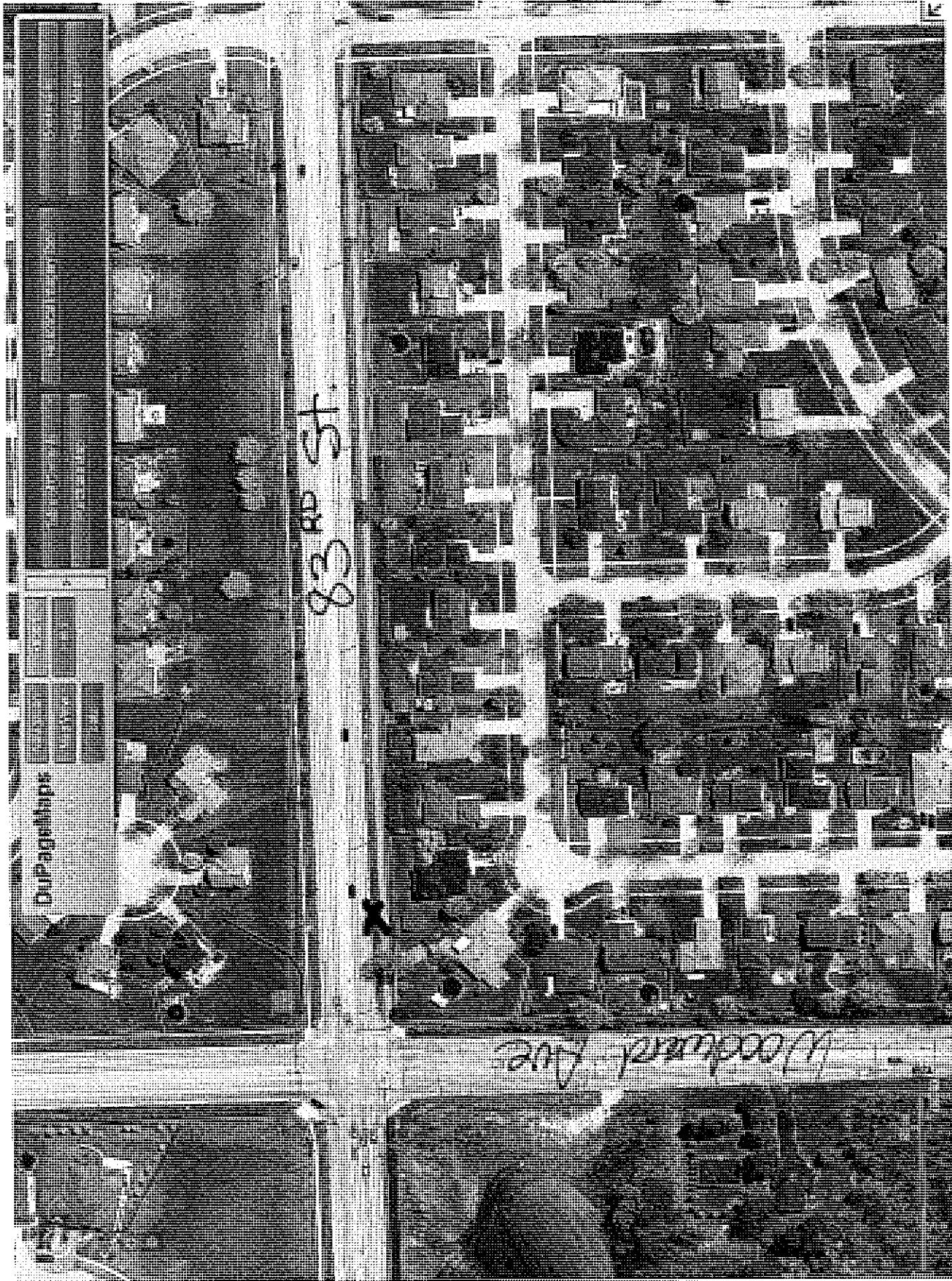
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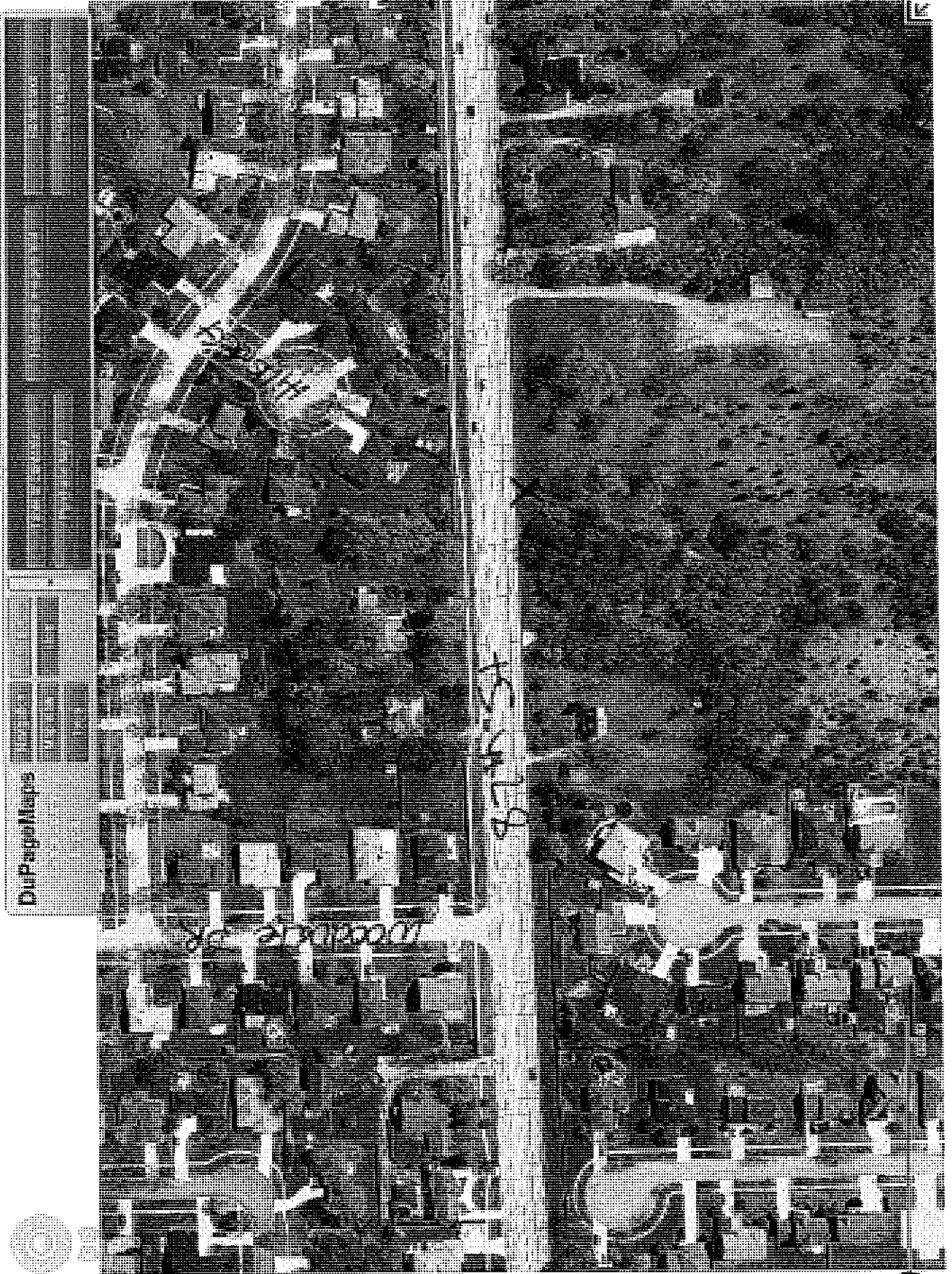
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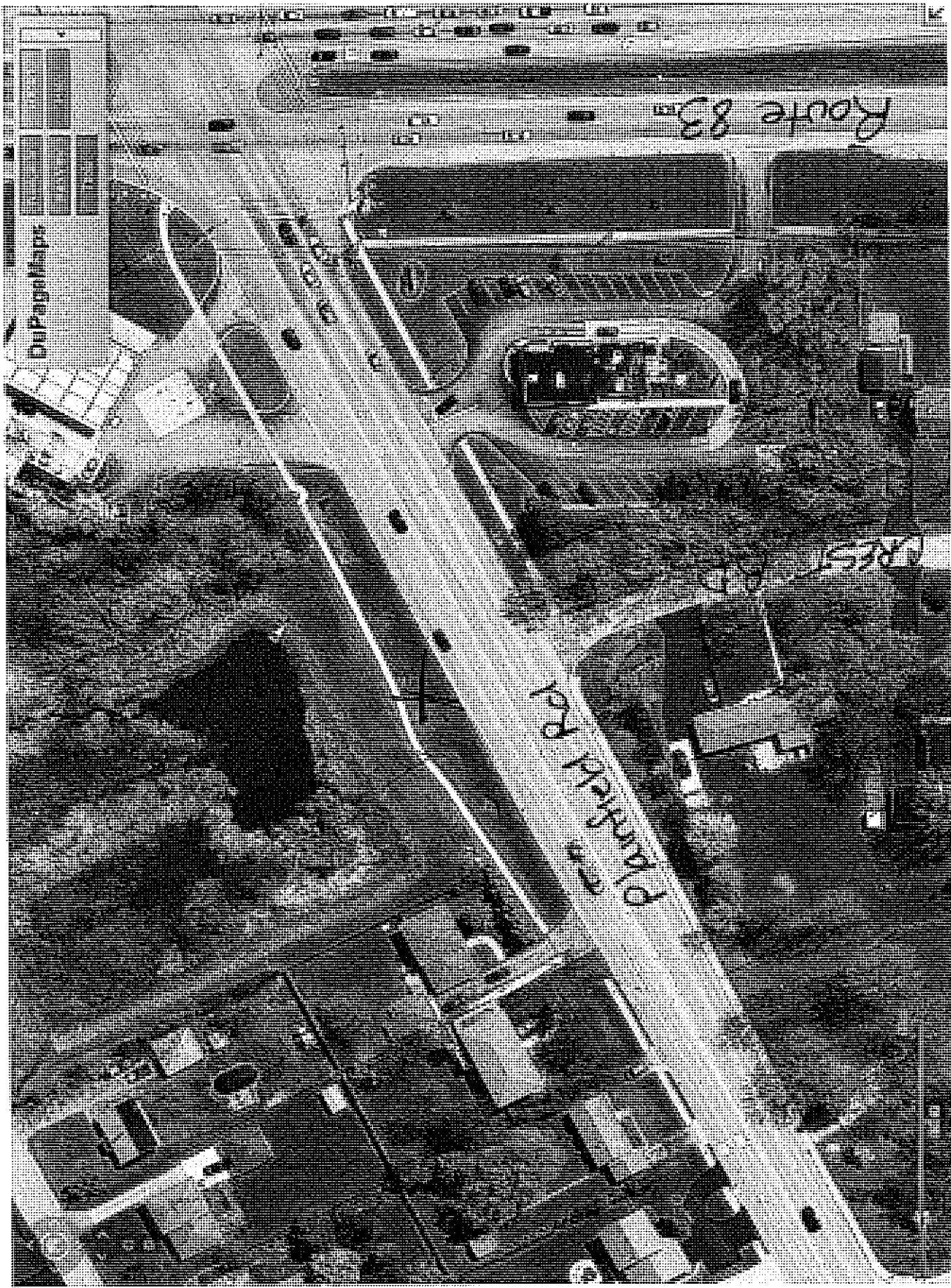
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#6



#8



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF DARIEN AND CHRISTOPHER B. BURKE ENGINEERING, LTD. FOR ENGINEERING SERVICES FOR MONUMENT ENTRANCE SIGNS IN AN AMOUNT NOT TO EXCEED \$18,000.00

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 authorizes the Mayor to execute a certain Agreement for Engineering Services between the City of Darien and Christopher B. Burke Engineering, Ltd., relating to Monument Entrance Signs in an amount not to exceed \$18,000.00, a copy of which is attached hereto as "Exhibit A" and is by this reference expressly incorporated herein.

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 7th day of May, 2012.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 7th day of May, 2012.

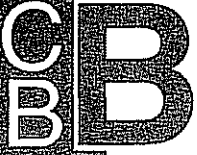
KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



CHRISTOPHER B. BURKE ENGINEERING, LTD.
 9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX(847) 823-0520

April 11, 2012

City of Darien
 1702 Plainfield Road
 Darien, Illinois 60561

Attention: Daniel Gombac

Subject: Proposal for Professional Engineering Services
 Entrance Monument Signs

Dear Dan:

We are pleased to submit this proposal for professional engineering services to provide plans and permit applications to install monument signs within various DuPage County rights-of-way. This proposal includes our understanding of assignment, scope of services, and estimate of fees.

UNDERSTANDING OF ASSIGNMENT

Christopher B. Burke Engineering, Ltd. (CBBEL) will prepare the necessary site survey, site engineering plan, sign detail, and landscape plan for the permitting of eight monument signs in DuPage County right-of-way. The locations are as follows:

1. Cass Avenue – 6800 Block Southbound
2. Cass Avenue – North of I55 North Frontage Road Northbound
3. Plainfield Road – Fronting Crest Road Basin Westbound
4. Plainfield Road/83rd Street – Eastbound at Darien/Woodbridge Boundary
5. Lemont Road North of I55 North Frontage Road Northbound
6. 75th Street West of Sawmill Creek Westbound (fronting high school)
- *7. 75th Street East of Lemont Road Eastbound
8. 87th Street at Aisleworth Drive Eastbound

* *Plans will use County construction plans and location will be determined as construction nears completion.*

CBBEL will be responsible for preparing the necessary plans and application to be submitted to DuPage County. All locations will be submitted as one application. In locations where there is also a right-of-way under State jurisdiction, the sign will be located in County right-of-way. Prior to commencing surveys, we will meet with you to confirm your desired location of each sign. Each sign will have a stub of conduit and junction box for future electrical service, but no wiring or electric service is included in this proposal.

SCOPE OF SERVICES

The following tasks are included in this proposal:

Task 1 – Survey: After a sign location is selected at each site, a topographic survey will be conducted to locate all ground features for 100 feet in each direction. The survey will be limited to the side of the right-of-way where the sign will be located and include curb, driveways, sidewalks, utilities, signs, trees and other ground features that may exist. The survey will indicate right-of-way limits based on available records and monuments. The survey will be tied to County datum and have a recoverable site benchmark. (Note that the 75th Street at Lemont Road location will not be surveyed). After the site visits, the City will request a utility locate from J.U.L.I.E. prior to the survey field work.

Task 2 – Site Engineering Plan: Based on the site survey, a plan showing the proposed plan will be prepared. This will be used to evaluate site lines and potential conflicts with existing utilities or other ground features. It is anticipated that the sign will be located as far from the edge of road as conditions allow. This plan will support the permit application.

Task 3 – Sign Detail: The sign detail will be at a level necessary for permitting and show the dimensions of footings, foundation, columns, and sign panel. This will include sufficient dimensions for plan preparation and permitting and for the sign vendor to prepare detailed shop drawings.

Task 4 – Landscape Plan: A landscape planting plan which can be used for all locations will be prepared. It is anticipated that the plan would utilize low maintenance perennials tolerant of conditions typical to road rights-of-way.

ESTIMATE OF FEES

We will invoice only for the actual time spent and propose to complete the above tasks for a fee not to exceed \$18,000 plus any direct costs. The following is an estimate of the fees by task:

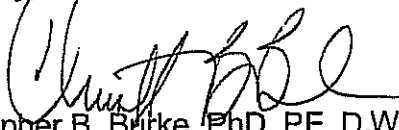
Task 1 – Survey:	\$8,000
Task 2 – Site Engineering Plan:	\$8,000
Task 3 – Sign Detail:	\$1,000
Task 4 – Landscape Plan:	\$1,000
Total	\$18,000

Please note that these fees do not include preparation of bid documents, services during construction, or any permit application fees. Additional services would be billed on a time and materials basis.

We will bill you at the hourly rates and General Terms and Conditions in our current contract. Direct costs for blueprints, photocopying, mailing, overnight delivery, messenger services and report compilation are not included in the fee estimate. These General Terms and Conditions are expressly incorporated into and are an integral part of this contract for professional services. Please note that any requested meetings or additional services are not included in the preceding fee estimate and will be billed at the attached hourly rates.

Please sign and return one copy of this agreement as an indication of acceptance and notice to proceed. Please feel free to contact us anytime.

Sincerely,



Christopher B. Burke, PhD, PE, D.WRE, F.ASCE
President

THIS PROPOSAL, SCHEDULE OF CHARGES AND GENERAL TERMS AND
CONDITIONS ACCEPTED FOR THE CITY OF DARIEN.

BY: _____
TITLE: _____
DATE: _____

AGENDA MEMO
Municipal Services Committee
April 23, 2012

Issue Statement

Consideration for the authorization to execute an Illinois Department of Transportation Resolution, (IDOT BLR 14230) authorizing the expenditure of Motor Fuel Tax (MFT) funds for the FY 2012/13 General Maintenance items in the amount of \$487,095 for a period from May 1, 2012 through April 30, 2013.

Background/History

The City of Darien utilizes Motor Fuel Tax Funds (MFT) for expenditures related to various street maintenance functions. The funding provides for expenditures for such items as salaries, the purchase of rock salt, cold and hot bituminous surface mixes, storm sewer related items, various aggregate materials and road striping. Because MFT funds are utilized, the City Council is required to adopt a resolution authorizing the expenditure of the proposed funding related to the general maintenance items. Attached as, Attachment A is the Bureau of Local Road Form Municipal Estimate of Maintenance Costs. (BLR 14231).

Staff Recommendation

Staff recommends approval of this Resolution.

Alternate Consideration

Not approving the Resolution.

DECISION MODE

This item will be placed on the May 7, 2012 City Council agenda for formal consideration.



BE IT RESOLVED, by the City Council of the

(Council or President and Board of Trustees)

City Darien, Illinois, that there is hereby

(City, Town or Village)

(Name)

appropriated the sum of \$487,095.00 of Motor Fuel Tax funds for the purpose of maintaining

streets and highways under the applicable provisions of the Illinois Highway Code from May 1, 2012
(Date)

to April 30, 2013
(Date)

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon a practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in the account(s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this resolution to the district office of the Department of Transportation, at Schaumburg, Illinois.

I, JoAnne E. Ragona Clerk in and for the City
(City, Town or Village)
of Darien, County of DuPage

hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by

the City Council at a meeting on May 7, 2012
(Council or President and Board of Trustees) Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 7th day of May, 2012

(SEAL) _____ City Clerk
(City, Town or Village)

Approved

Date
Department of Transportation

Regional Engineer



Section Number 13 - 00000 - 00 - GM

Period from 05/01/2012 to 04/30/2013

Municipality City of Darien

Estimated Cost of Maintenance Operations

Maintenance Operation (No. - Description)	Group (I,II,III,IV)	For Group I, II, or III (Material, Equipment or Labor)					Operation Cost
		Item	Unit	Quantity	Unit Price	Cost	
1) Aggregate	IIA	Stone CA-6 CA-7	Tons	1000	12.50	\$12,500.00	18,800.00
	IIA	Labor -5 Gen Utility Wkrs	Av Hr	180	35.00	\$6,300.00	
2) Pavement Patching 2 different vendors will be used for bituminous purchase)	IIB	Surface Bituminous-Hot	Tons	310	52.00	\$16,120.00	89,260.00
	IIB	Labor -5 Gen Utility Wkrs	Av Hr	1500	35.00	\$52,500.00	
2) Snow & Ice Control	IIB	Surface Bituminous-Cold	Tons	80	83.00	\$6,640.00	234,360.00
	IIB	Labor -5 Gen Utility Wkrs	Av Hr	400	35.00	\$14,000.00	
3) Storm Sewer Maint.	IIA	Road Salt -City Contract	Tons	2600	68.60	\$178,360.00	80,450.00
	IIA	Labor -5 Gen Utility Wkrs	Av Hr	1600	35.00	\$56,000.00	
4) Pavement Marking	IIB	Culvert Pipe	L.S.	1	15,000.	\$15,000.00	9,375.00
	IIB	Labor -5 Gen Utility Wkrs	Av Hr	1870	35.00	\$65,450.00	
5) Street Sign Maint.	IIB	Striping-Paint-Thermal	L.S.	1	8,500.0	\$8,500.00	10,500.00
	IIB	Labor -5 Gen Utility Wkrs	Av Hr	25	35.00	\$ 875.00	
6) Mowing	IIB	Labor -5 Gen Utility Wkrs	Av Hr	300	35.00	\$10,500.00	40,500.00
	IIB	Labor -5 Gen Utility Wkrs	Av Hr	1500	27.00	\$40,500.00	
8) Catch Basin Cleaning	IIB	Labor -5 Gen Utility Wkrs	Av Hr	110	35.00	\$3,850.00	3,850.00
	IIB	Labor -5 Gen Utility Wkrs	Av Hr	110	35.00	\$3,850.00	
Total Day Labor Costs							
Total Estimated Maintenance Operation Cost							\$487,095.00
Preliminary Engineering						0.00	
Engineering Inspection						0.00	
Material Testing						0.00	
Total Estimated Engineering Cost							
Total Estimated Maintenance Cost							\$487,095.00

Submitted: 05/01/2011
Date

Approved: _____
Date

By: _____
Municipal Official Director of Mun. Sv
Title

Regional Engineer

Submit Four (4) Copies to Regional Engineer

Memo

TO: Municipal Services Committee

FROM: Dan Gombac, Director of Municipal Services

DATE: April 23, 2012

RE: Update-Emerald Ash Borer

The following memo is an update from the previous memo dated May 19, 2010, regarding the Emerald Ash Borer (EAB). The Emerald Ash Borer (EAB) is an exotic woodborer that was found to be attacking and killing ash trees in Michigan in 2002. The Emerald Ash Borer only attacks ash trees and is a devastating and destructive pest that greatly affects tree-scaping. EAB is easily spread through the movement of firewood, logs and nursery stock.

Since its detection, EAB has killed millions of ash trees and has spread into Indiana, Ohio, Illinois, Wisconsin, Iowa and other states. Discovered in Illinois in 2006, EAB has since spread throughout northeast Illinois into the nearby towns of St. Charles, Lombard, Downers Grove, Geneva, Batavia, North Aurora, Burr Ridge, and Naperville as well as other locations adjacent to DuPage County.

The City of Darien had its first EAB confirmation within a private property in the 1100 block of Timber Lane in May, 2011. The tree was removed by the resident and the City had subsequently begun treating all Ash Trees within a half-mile radius, including all the Ash trees on 75th Street. The method of a preventive maintenance treatment was “drenching” with the product Bayer. Since the initial confirmation, no additional sightings were identified until recently. The City Arborist, John Carr has recently confirmed EAB within three parkway trees with one located in the 3100 Grandview Place and two in the 8000 block of Farmingdale Drive.

To date the City has inventoried and identified 2614 Ash trees (29%) of the 8956 total parkway

Below is the inventory based on Tree Trimming Sections (map attached):

Section I	20 Ash	1594 Total Parkway Trees
Section II	631 Ash	1869 Total Parkway Trees
Section III	507 Ash	1577 Total Parkway Trees
Section IV	659 Ash	1994 Total Parkway Trees
Section V	796 Ash	1922 Total Parkway trees

The Illinois Department of Agriculture is allowing each municipality to decide how they want to deal with the infestation. Ultimately, when the tree dies it will be a hazard warranting removal thus posing a safety hazard and will require removal.

Staff has recently completed a survey with various municipalities regarding EAB Plans. During our review of the information, there is no clear consensus of the action plans each municipality is undertaking. See report labeled as Emerald Ash Borer Information. See attached summary labeled as Emerald Ash Borer Summary.

Since the City is beginning to identify parkway trees that indicate the presence of the EAB, City staff has provided the following action plan.

- Ash trees, *located on city-owned property including parkways*, showing signs of infestation will be removed and disposed of in accordance with Department of Agriculture protocol. Removals will **not** occur during the adult beetle's flight season, from June through September, to help prevent further spread of EAB. The FY 12-13 allows for an expenditure not to exceed \$10,000 for the removal of infected trees.
- City staff will maintain a **selective ash tree removal strategy on city-owned property** as a management plan to help mitigate and control the spread of EAB. Selective ash tree removal has been the preferred strategy used by the majority of communities with confirmed EAB infestation. Ash trees located near confirmed sites that exhibit positive signs of EAB infestation – e.g. canopy dieback, sprouting near base of tree, woodpecker holes - will be removed. At this time, the City will not be removing healthy looking ash trees.
- City staff will continue to treat all ash trees within a half-mile radius upon confirmation of the EAB. The treatment product will be applied through a soil drenching method with the product Bayer Advanced.
- City staff will continue to Inform and educate all residents within the half-mile radius.

The City of Darien continues to prepare for the arrival of the Emerald Ash Borer by:

- Monitoring approximately 2,600 of the City's 8,900 parkway trees for EAB through quarterly inspections of all City owned ash trees.
- Replacement with a diversified selection of trees (no ash trees will be used for replanting).
- Testing for the presence of EAB through a cooperative effort between the City Arborist, the Illinois Department of Agriculture and outside municipal sources. Should a outbreak be identified twenty Ash trees will be identified as "trap" trees for the purpose of Emerald Ash Borer detection. At this time, staff will not entertain traps.
- The City's Tree Planting Program prohibits the planting of Ash trees in all parkways.
- The City's Arborist will respond to EAB concerns on both public and private property.
- Continue a public awareness campaign including publications and information about the Emerald Ash Borer. Public education and updates continue to be available at the City Hall and sent via the Direct Connect and viewed over the Cable Channel.

Homeowners should prepare for the possible arrival of EAB within their own yards.

Homeowners should stay informed regarding the location of any local EAB-infestations and should periodically examine their trees. Residents will be allowed to treat Ash trees within the parkways with the City's permission. If any signs of an EAB infestation are present, homeowners should contact:

- City of Darien-Municipal Services Department at (630) 353-8105
- The local University of Illinois Extension Service office. Find the closest office at <http://web.extension.uiuc.edu/cie2/offices/findoffice.cfm>, or by calling (217) 333-5900.
- National EAB Hotline: (866) EAB-4512

If, after consultation with the City Arborist and/or a local expert, an EAB infestation is suspected, City staff will report to the Illinois Department of Agriculture HOTLINE at 1-800-641-3934.

The goal is to stay informed and be prepared through the following Web sites:

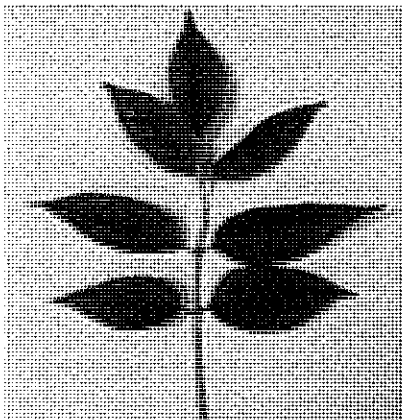
- www.emeraldashborer.info
- www.IllinoisEAB.com

Insecticide Options for treating Ash Trees

Chemical treatment options do exist, although not proven 100% effective. The City Arborist and Staff concur that the City will move forward with a soil drenching method as described earlier. The insecticide is an economical proactive approach in combatting the EAB. Again, the insecticide treatments have not been proven to mitigate the eradication of the EAB. Residents may consult a local garden center or Arborist for additional feedback regarding preventative treatment information. This PDF bulletin below is designed to answer frequently asked questions and provide the most current information on insecticide options for controlling Emerald Ash Borers.

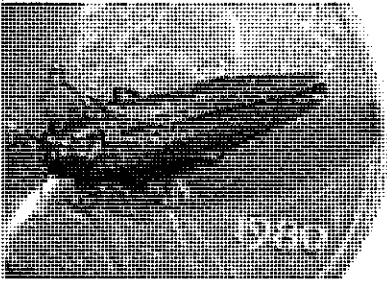
Insecticide Options PDF

Signs to Look for



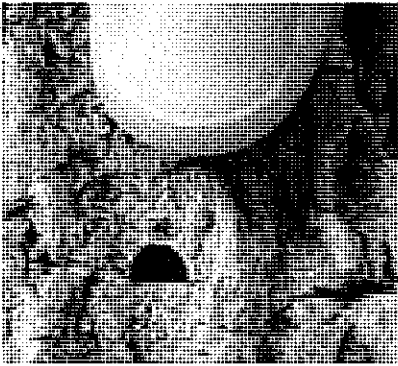
Ash Leaves

Ash leaves are somewhat unique since they have several green leaflets per leaf stem, usually seven. The leaflets are located directly across from each other with one at the end.



Emerald Ash Borer

The Emerald Ash Borer is an exotic beetle from Asia. Though small (approximately 1/2 an inch), it can fly up to a mile from where it emerges.



D-Shaped Exit Holes

D-shaped exit holes can be found on trees where the adult beetles emerged. A tree with these holes has been infested for at least one year. They will be present on the branches and the trunk.



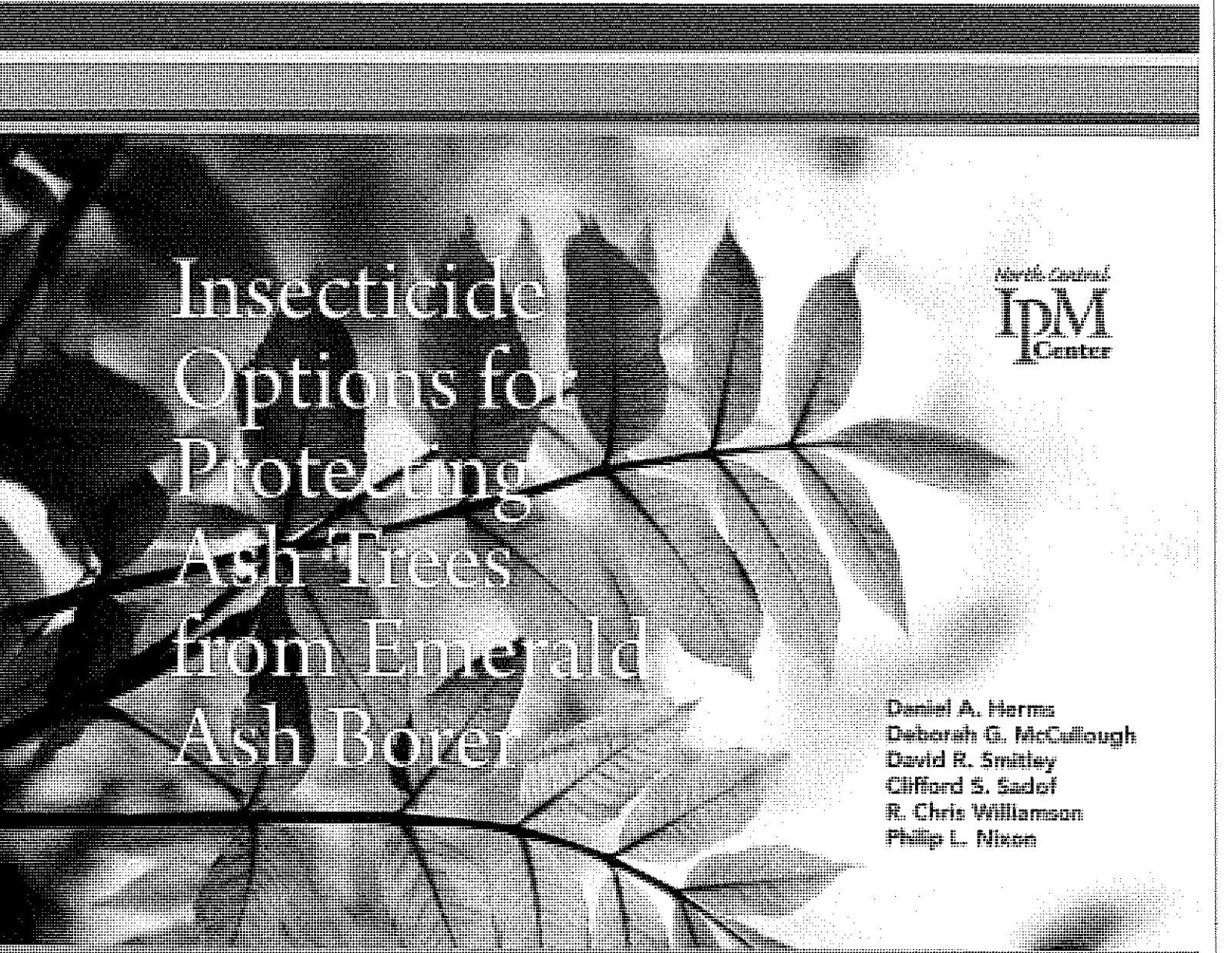
Suckers

“Suckers,” or new sprouts, may develop around the bottom of the main trunk of an infested tree. They can grow until they are 2-3 inches in diameter and are again attacked by the Emerald Ash Borer.



Tree Canopy

Tree canopy will begin thinning and branches will die. First there will be yellowing of the leaves, then dead branches. The thinning will begin at the top third of the tree, and will spread over time. Usually, a tree will live two to four years when thinning at the top of the tree occurs. There may also be evidence of peeling bark and/or woodpecker activity.



Insecticide Options for Protecting Ash Trees from Emerald Ash Borer

North-Central
IPM
Center

Daniel A. Hermis
Deborah G. McCullough
David R. Smithey
Clifford S. Sadof
R. Chris Williamson
Philip L. Nixon



Insecticide Options for Protecting Ash Trees from Emerald Ash Borer

**Daniel A. Herms¹, Deborah G. McCullough²,
David R. Smitley³, Clifford S. Sadof⁴, R. Chris Williamson⁵,
and Philip L. Nixon⁶**

¹Professor, Department of Entomology, Ohio Agricultural Research and Development Center, The Ohio State University, Wooster, OH 44691

²Professor, Department of Entomology and Department of Forestry, Michigan State University, East Lansing, MI 48824

³Professor, Department of Entomology, Michigan State University, East Lansing, MI 48824

⁴Professor, Department of Entomology, Purdue University, West Lafayette, IN 47907

⁵Associate Professor, University of Wisconsin-Madison and University of Wisconsin Cooperative Extension, Madison, WI 53706

⁶Extension Entomologist, Department of Natural Resources and Environmental Sciences, University of Illinois at Urbana-Champaign, Urbana, IL 61801




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Insecticide Options for Protecting Ash Trees from Emerald Ash Borer



Emerald ash borer (*Agrilus planipennis* Fairmaire), an invasive insect native to Asia, has killed tens of millions of ash trees in urban, rural and forested settings. This beetle was first discovered in 2002 in southeast Michigan and Windsor, Ontario. As of May 2009, emerald ash borer (EAB) infestations were known to be present in 12 states and two Canadian provinces. Many homeowners, arborists and tree care professionals want to protect valuable ash trees from EAB. Scientists have learned much about this insect and methods to protect ash trees since 2002. This bulletin is designed to answer frequently asked questions and provide the most current information on insecticide options for controlling EAB.

Answers to Frequently Asked Questions

What options do I have for treating my ash trees?

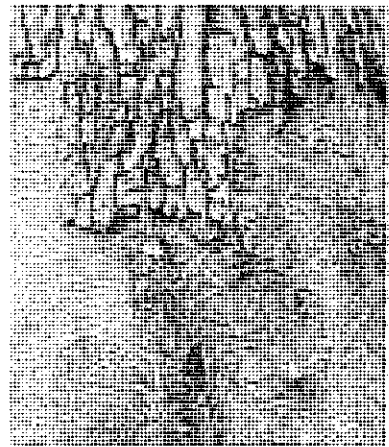
If you elect to treat your ash trees, there are several insecticide options available and research has shown that treatments can be effective. Keep in mind, however, that controlling insects that feed under the bark with insecticides has always been difficult. This is especially true with EAB because our native North American ash trees have little natural resistance to this pest. In university trials, some insecticide treatments were effective in

some sites, but the same treatments failed in other sites. Furthermore, in some studies conducted over multiple years, EAB densities continued to increase in individual trees despite annual treatment. Some arborists have combined treatments to increase the odds of success (e.g., combining a cover spray with a systemic treatment).

Our understanding of how EAB can be managed successfully with insecticides has increased substantially in recent years. The current state of this understanding is detailed in the bulletin. It is important to note that research on management of EAB remains a work in progress. Scientists from universities, government agencies and companies continue to conduct intensive studies to understand how and when insecticide treatments will be most effective.

I know my tree is already infested with EAB. Will insecticides still be effective?

If a tree has lost more than 50 percent of its canopy, it is probably too late to save the tree. Studies have shown that it is best to begin using insecticides while ash trees are still relatively healthy. This is because most of the insecticides used for EAB control act systemically — the insecticide must be transported within the tree. In other words, a tree must be healthy enough to carry a systemic



insecticide up the trunk and into the branches and canopy. When EAB larvae feed, their galleries injure the phloem and xylem that make up the plant's circulatory system. This interferes with the ability of the tree to transport nutrients and water, as well as insecticides. As a tree becomes more and more infested, the injury becomes more severe. Large branches or even the trunk can be girdled by the larval galleries.

Studies have also shown that if the canopy of a tree is already declining when insecticide treatments are initiated, the condition of the tree may continue to deteriorate during the first year of treatment. In many cases, the tree canopy will begin to improve in the second year of treatment. This lag in the reversal of canopy decline probably reflects the time needed for the tree to repair its vascular system after the EAB infestation has been reduced.

My ash tree looks fine but my county is quarantined for EAB. Should I start treating my tree?

Scientists have learned that ash trees with low densities of EAB often have few or no external symptoms of infestation. Therefore, if your property is within a county that has been quarantined for EAB, your ash trees are probably at risk. Similarly, if your trees are outside a quarantined county but are still within 10-15 miles of a known EAB infestation, they may be at risk. If your ash trees are more than 15 miles beyond this range, it is probably too early to begin insecticide treatments. Treatment programs that begin too early are a waste of money. Remember, however, that new EAB infestations have been discovered every year since 2002 and existing EAB populations will build and spread over time. Stay up to date with current EAB quarantine maps and related information at www.emeraldashborer.info. You can use the links in this Web site to access specific information for individual states. When an EAB infestation is detected in a state or county for the first time, it will be added to these maps. Note, however, that once an area has been quarantined, EAB surveys generally stop, and further spread of EAB in that area will not be reflected on future maps.

I realize that I will have to protect my ash trees from EAB for several years. Is it worth it?

The economics of treating ash trees with insecticides for EAB protection are complicated. Factors that can be considered include the cost of the insecticide and expense of application, the size of the trees, the likelihood of success, and potential costs of removing and replacing the trees. Until recently, insecticide products had to be applied every year. A new product that is effective for two years or even longer (emamectin benzoate) has altered the economics of treating ash trees. As research progresses, costs and methods of treating trees will continue to change and it will be important to stay up to date on treatment options.

Benefits of treating trees can be more difficult to quantify than costs. Landscape trees typically increase property values, provide shade and cooling, and contribute to the quality of life in a neighborhood. Many people are sentimental about their trees. These intangible qualities are important and should be part of any decision to invest in an EAB management program.

It is also worth noting that the size of EAB populations in a specific area will change over time. Populations initially build very slowly, but later increase rapidly as more trees become infested. As EAB populations reach their peak, many trees will decline and die within one or two years. As untreated ash trees in the area succumb, however, the local EAB population will decrease substantially. Scientists do not yet have enough experience with EAB to know what will happen over time to trees that survive the initial wave of EAB. Ash seedlings and saplings are common in forests, woodlots, and right-of-ways, however, and it is unlikely that EAB will ever completely disappear from an area. That means that ash trees may always be at some risk of being attacked by EAB, but it seems reasonable to expect that treatment costs could eventually decrease as pest pressure declines after the EAB wave has passed.



Insecticide Options for Controlling EAB

Insecticides that can effectively control EAB fall into four categories: (1) systemic insecticides that are applied as soil injections or drenches; (2) systemic insecticides applied as trunk injections; (3) systemic insecticides applied as lower trunk sprays; and (4) protective cover sprays that are applied to the trunk, main branches, and (depending on the label) foliage.

Insecticide formulations and application methods that have been evaluated for control of EAB are listed in Table 1. Some are marketed for use by homeowners while others are intended for use only by professional applicators. The "active ingredient" refers to the compound in the product that is actually toxic to the insect.

Formulations included in Table 1 have been evaluated in multiple field trials conducted by the authors. Inclusion of a product in Table 1 does not imply that it is endorsed by the

Table 1. Insecticide options for professionals and homeowners for controlling EAB that have been tested in multiple university trials. Some products may not be labeled for use in all states. Some of the listed products failed to protect ash trees when they were applied at labeled rates. Inclusion of a product in this table does not imply that it is endorsed by the authors or has been consistently effective for EAB control. See text for details regarding effectiveness.

Insecticide Formulation	Active Ingredient	Application Method	Recommended Timing
<i>Professional Use Products</i>			
Ment [®] (75WP, 75WSP, 2F)	Imidacloprid	Soil injection or drench	Mid-fall and/or mid- to late spring
Xytect [™] (2F, 75WSP)	Imidacloprid	Soil injection or drench	Mid-fall and/or mid- to late spring
IMA-jet [®]	Imidacloprid	Trunk injection	Early May to mid-June
Imicide [®]	Imidacloprid	Trunk injection	Early May to mid-June
Pointer [™]	Imidacloprid	Trunk injection	Early May to mid-June
TREE-äge [™]	Enamectin benzoate	Trunk injection	Early May to mid-June
Inject-A-Cide B [®]	Bidrin [®]	Trunk injection	Early May to mid-June
Safari [™] (20 SG)	Dinotefuran	Systemic bark spray	Early May to mid-June
Astro [®]	Permethrin	Preventive bark and foliage cover sprays	2 applications at 4-week intervals; first spray should occur when black locust is blooming (early May in southern Ohio to early June in mid-Michigan)
Onyx [™]	Bifenthrin		
Tempo [®]	Cyfluthrin		
Sevin [®] SL	Carbaryl		
<i>Homeowner Formulation</i>			
Bayer Advanced [™] Tree & Shrub Insect Control	Imidacloprid	Soil drench	Mid-fall or mid- to late spring

authors or has been consistently effective for EAB control. Please see the following sections for specific information about results from these trials. Results of some tests have also been posted on www.emeraldashborer.info.

Strategies for the most effective use of these insecticide products are described below. It is important to note that pesticide labels and registrations change constantly and vary from state to state. It is the legal responsibility of the pesticide applicator to read, understand and follow all current label directions for the specific pesticide product being used.

Using Insecticides to Control EAB

Soil-Applied Systemic Insecticides

Systemic insecticides applied to the soil are taken up by the roots and translocated throughout the tree. The most widely tested soil-applied systemic insecticide for control of EAB is imidacloprid, which is available under several brand names for use by professional applicators and homeowners (see Table 1). All imidacloprid formulations can be applied as a drench by mixing the product with water, then pouring the solution directly on the soil around the base of the trunk. Dinotefuran was recently labeled for use against EAB as a soil treatment (in addition to its use as a basal trunk spray discussed below). Studies to test its effectiveness as a soil treatment are currently underway in Michigan and Ohio.

Imidacloprid soil applications should be made when the soil is moist but not saturated. Application to water-logged soil can result in poor uptake if the insecticide becomes excessively diluted and can also result in puddles of insecticide that could wash away, potentially contaminating surface waters and storm sewers. Insecticide uptake will also be limited when soil is excessively dry. Irrigating the soil surrounding the base of the tree before the insecticide application can improve uptake.

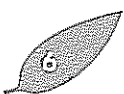
The application rates for the homeowner product (Bayer Advanced™ Tree & Shrub Insect Control) and professional formulations

of imidacloprid are very similar. Homeowners apply the same amount of active ingredient that professionals apply. However, there are certain restrictions on the use of homeowner formulations that do not apply to professional formulations. Homeowner formulations of imidacloprid can be applied only as a drench. It is not legal to inject these products into the soil, although some companies have marketed devices to homeowners specifically for this purpose. Homeowners are also restricted to making only one application per year. Several generic products containing imidacloprid are available to homeowners, but the formulations vary and the effectiveness of these products has not yet been evaluated in university tests.

Soil drenches offer the advantage of requiring no special equipment for application other than a bucket or watering can. However, imidacloprid can bind to surface layers of organic matter, such as mulch or leaf litter, which can reduce uptake by the tree. Before applying soil drenches, it is important to remove, rake or pull away any mulch or dead leaves so the insecticide solution is poured directly on the mineral soil.

Imidacloprid formulations labeled for use by professionals can be applied as a soil drench or as soil injections. Soil injections require specialized equipment, but offer the advantage of placing the insecticide under mulch or turf and directly into the root zone. This also can help to prevent runoff on sloped surfaces. Injections should be made just deep enough to place the insecticide beneath the soil surface (2-4 inches). Soil injections should be made within 18 inches of the trunk where the density of fine roots is highest. As you move away from the tree, large radial roots diverge like spokes on a wheel and studies have shown that uptake is higher when the product is applied at the base of the trunk. There are no studies that show that applying fertilizer with imidacloprid enhances uptake or effectiveness of the insecticide.

Optimal timing for imidacloprid soil injections and drenches is mid-April to mid-May, depending on your region. Allow four to six weeks for uptake and distribution of the insecticide within the tree. In southern Ohio, for example, you would apply the product by



mid-April; in southern Michigan, you should apply the product by early to mid-May. When treating larger trees (e.g., with trunks larger than 12 inches in diameter), treat on the earlier side of the recommended timing. Large trees will require more time for uptake and transportation of the insecticide than will small trees. Recent tests show that imidacloprid soil treatments can also be successful when applied in the fall.

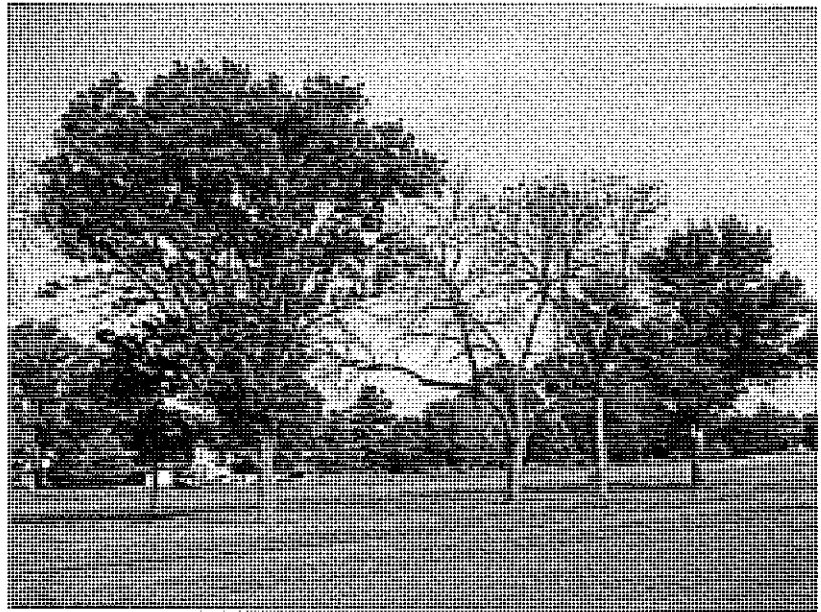
Trunk-Injected Systemic Insecticides

Several systemic insecticide products can be injected directly into the trunk of the tree including formulations of imidacloprid and emamectin benzoate (see Table 1). An advantage of trunk injections is that they can be used on sites where soil treatments may not be practical or effective, including trees growing on excessively wet, compacted or restricted soil environments. However, trunk injections do wound the trunk, which may cause long-term damage, especially if treatments are applied annually.

Products applied as trunk injections are typically absorbed and transported within the tree more quickly than soil applications. Allow three to four weeks for most trunk-injected products to move through the tree. Optimal timing of trunk injections occurs after trees have leafed out in spring but before EAB eggs have hatched, or generally between mid-May and mid-June. Uptake of trunk-injected insecticides will be most efficient when trees are actively transpiring. Best results are usually obtained by injecting trees in the morning when soil is moist but not saturated. Uptake will be slowed by hot afternoon temperatures and dry soil conditions.

Noninvasive, Systemic Basal Trunk Sprays

Dinotefuran is labeled for application as a noninvasive, systemic bark spray for EAB control. It belongs to the same chemical class as imidacloprid (neonicotinoids) but is much more soluble. The formulated insecticide is sprayed on the lower five to six feet of the trunk using a common garden sprayer and low pressure. Research has shown that the insecticide penetrates the bark and moves systemically throughout the rest of the tree.



Dinotefuran can be mixed with surfactants that may facilitate its movement into the tree, particularly on large trees with thick bark. However, in field trials, adding a surfactant did not consistently increase the amount of insecticide recovered from the leaves of treated trees.

Healthy ash trees that have been protected with insecticides growing next to untreated ash trees killed by EAB.

The basal trunk spray offers the advantage of being quick and easy to apply and requires no special equipment other than a garden sprayer. This application technique does not wound the tree, and when applied correctly, the insecticide does not enter the soil.

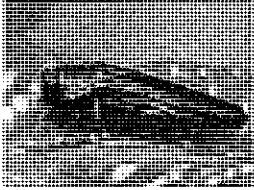
Protective Cover Sprays

Insecticides can be sprayed on the trunk, branches and (depending on the label) foliage to kill adult EAB beetles as they feed on ash leaves, and newly hatched larvae as they chew through the bark. Thorough coverage is essential for best results. Products that have been evaluated as cover sprays for control of EAB include some specific formulations of permethrin, bifenthrin, cyfluthrin and carbaryl (see Table 1).

Protective cover sprays are designed to prevent EAB from entering the tree and will have no effect on larvae feeding under the bark. Cover sprays should be timed to occur when most adult beetles are feeding and beginning to lay eggs. Adult activity can be difficult to monitor because there are no



effective pheromone traps for EAB. However, first emergence of EAB adults generally occurs between 450-550 degree days (starting date of January 1, base temperature of 50°F), which corresponds closely with full bloom of black locust (*Robinia pseudoacacia*). For best results, consider two applications, one at 500 DD₅₀ (as black locust approaches full bloom) and a second spray four weeks later.



EAB adults must feed on foliage before they become reproductively mature.

How Effective Are Insecticides for Control of EAB?

Extensive testing of insecticides for control of EAB has been conducted by researchers at Michigan State University (MSU) and The Ohio State University (OSU). Results of some of the MSU trials are available at www.emeraldashborer.info.

Soil-Applied Systemic Insecticides

Efficacy of imidacloprid soil injections for controlling EAB has been inconsistent; in some trials EAB control was excellent, while others yielded poor results. Differences in application protocols and conditions of the trials have varied considerably, making it difficult to reach firm conclusions about sources of variation in efficacy. For example, an MSU study found that low-volume soil injections of imidacloprid applied to small trees averaging 4 inches in DBH (diameter of the trunk at breast height) using the Kioritz applicator (a hand-held device for making low-volume injections) provided good control at one site. However, control was poor at another site where the same application protocols were used to treat larger trees (13-inch DBH). Imidacloprid levels may have been too low in the larger trees to provide adequate control. Higher pest pressure at the second site also may have contributed to poor control in the large trees.

In the same trials, high-pressure soil injections of imidacloprid (applied in two concentric rings, with one at the base of the tree and the other halfway to the drip line of the canopy) provided excellent control at one site. At

another site, however, soil injections applied using the same rate, timing and application method were completely ineffective, even though tree size and infestation pressure were very similar. It should be noted that recent studies have shown that imidacloprid soil injections made at the base of the trunk result in more effective uptake than applications made on grid or circular patterns under the canopy.

Imidacloprid soil drenches have also generated mixed results. In some studies conducted by MSU and OSU researchers, imidacloprid soil drenches have provided excellent control of EAB. However, in other studies, control has been inconsistent. Experience and research indicate that imidacloprid soil drenches are most effective on smaller trees and control of EAB on trees with a DBH that exceeds 15 inches is less consistent.

This inconsistency may be due to the fact that application rates for systemic insecticides are based on amount of product per inch of trunk diameter or circumference. As the DBH of a tree increases, the amount of vascular tissue, leaf area and biomass that must be protected by the insecticide increases exponentially. Consequently, for a particular application rate, the amount of insecticide applied as a function of tree size is proportionally decreased as trunk diameter increases. Hence, the DBH-based application rates that effectively protect relatively small trees can be too low to effectively protect large trees. Some systemic insecticide products address this issue by increasing the application rate for large trees.

In an OSU study with larger trees (15- to 22-inch DBH), Xytect™ (imidacloprid) soil drenches provided consistent control of EAB when applied experimentally at twice the rate that was allowed at that time. Recently, the Xytect™ label was modified to allow the use of this higher rate, which we now recommend when treating trees larger than 15-inch DBH. Merit® imidacloprid formulations, however, are not labeled for application at this high rate. Therefore, when treating trees greater than 15-inch DBH with Merit® soil treatments, two applications are recommended, either in the fall and again in the spring, or twice



in the spring, about four weeks apart (for example in late April and again in late May). This is not an option for Bayer Advanced™ Tree and Shrub Insect Control and other homeowner formulations of imidacloprid, which are limited by the label to one application per year. Homeowners wishing to protect trees larger than 15-inch DBH should consider having their trees professionally treated.

Treatment programs must comply with any limits specified on the label regarding the maximum amount of insecticide that can be applied per acre during a given year.

Trunk-Injected Systemic Insecticides

Emamectin benzoate • In several intensive studies conducted by MSU and OSU researchers, a single injection of emamectin benzoate in mid-May or early June provided excellent control of EAB for at least two years, even under high pest pressure. For example, in a highly-replicated study conducted on trees ranging in size from 5- to 20-inch DBH at three sites in Michigan, untreated trees had an average of 68 to 132 EAB larvae per m² of bark surface, which represents high pest pressure. In contrast, trees treated with emamectin benzoate had, on average, only 0.2 larvae per m², a reduction of > 99 percent. When additional trees were felled and debarked two years after the emamectin benzoate injection, there were still virtually no larvae in the treated trees, while adjacent, untreated trees at the same sites had hundreds of larvae.

In two OSU studies conducted in Toledo with street trees ranging in size from 15- to 25-inch DBH, a single application of emamectin benzoate also provided excellent control for two years. There was no sign of canopy decline in treated trees and very few emergence holes, while the canopies of adjacent, untreated trees exhibited severe decline and extremely high numbers of emergence holes.

One study suggests that a single injection of emamectin benzoate may even control EAB for three years. Additional studies to further evaluate the long-term effectiveness of emamectin benzoate are underway. To date,

this is the only product that controls EAB for more than one year with a single application. In addition, in side-by-side comparisons with other systemic products (neonicotinoids), emamectin benzoate was more effective.

Imidacloprid • Trunk injections with imidacloprid products have provided varying degrees of EAB control in trials conducted at different sites in Ohio and Michigan. In an MSU study, larval density in trees treated with Imicide® injections were reduced by 60 percent to 96 percent, compared to untreated controls. There was no apparent relationship between efficacy and trunk diameter or infestation pressure. In another MSU trial, imidacloprid trunk injections made in late May were more effective than those made in mid-July, and IMA-jet® injections provided higher levels of control than did Imicide®, perhaps because the IMA-jet® label calls for a greater amount of active ingredient to be applied on large trees. In an OSU study in Toledo, IMA-jet® provided excellent control of EAB on 15- to 25-inch trees under high pest pressure when trees were injected annually. However, trees that were injected every other year were not consistently protected.

In a discouraging study conducted in Michigan, ash trees continued to decline from one year to the next despite being treated in both years with either imidacloprid (Imicide®, Pointer™) or Bidrin (Inject-A-Cide B®) trunk injections. Imicide®, Pointer™ and Inject-A-Cide B® trunk injections all suppressed EAB infestation levels in both years, with Imicide® generally providing best control under high pest pressure in both small (six-inch DBH) and larger (16-inch DBH) caliper trees. However, larval density increased in treated and untreated trees from one year to the next. Furthermore, canopy dieback increased by at least 67 percent in all treated trees (although this was substantially less than the amount of dieback observed in untreated trees). Although untreated trees were more severely impacted, these results indicate that even consecutive years of treatment with these trunk-injection treatments may only slow or delay ash decline when pest pressure is severe.



EAB larvae damage the vascular system of the tree as they feed, which interferes with movement of systemic insecticides in the tree.





In three other side-by-side comparisons, Imicide® consistently provided higher levels of control than did Pointer™. In another MSU study, ACECAP® trunk implants (active ingredient is acephate) were not effective under high pest pressure.

Noninvasive Basal Trunk Sprays with Dinotefuran

Studies to date indicate that systemic basal trunk sprays with dinotefuran are about as effective as imidacloprid treatments. MSU and OSU studies have evaluated residues in leaves from trees treated with the basal trunk spray. Results show that the dinotefuran effectively moved into the trees and was translocated to the canopy at rates similar to those of other trunk-injected insecticides, and faster than other soil-applied neonicotinoid products.

As with imidacloprid treatments, control of EAB with dinotefuran has been variable in research trials. In an MSU study conducted in 2007 and 2008, dinotefuran trunk sprays reduced EAB larval density by approximately 30 percent to 60 percent compared to the heavily infested untreated trees. The treatment was effective for only one year and would have to be applied annually. In

general, control is better and more consistent in smaller trees than in large trees, but more research is needed with larger trees. Studies to address the long-term effectiveness of annual dinotefuran applications for control of EAB are underway.

Protective Cover Sprays

MSU studies have shown that applications of Onyx™, Tempo® and Sevin® SL provided good control of EAB, especially when the insecticides were applied in late May and again in early July. Acephate sprays were less effective. BotaniGard® (*Beauveria bassiana*) was also ineffective under high pest pressure. Astro® (permethrin) was not evaluated against EAB in these tests, but has been effective for controlling other species of wood borers and bark beetles.

In another MSU study, spraying Tempo® just on the foliage and upper branches or spraying the entire tree were more effective than simply spraying just the trunk and large branches. This suggests that some cover sprays may be especially effective for controlling EAB adults as they feed on leaves in the canopy. A single, well-timed spray was also found to provide good control of EAB, although two sprays may provide extra assurance given the long period of adult EAB activity.

It should be noted that spraying large trees is likely to result in a considerable amount of insecticide drift, even when conditions are ideal. Drift and potential effects of insecticides on non-target organisms should be considered when selecting options for EAB control.

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Key Points and Summary Recommendations

- ✦ Insecticides can effectively protect ash trees from EAB.
- ✦ Unnecessary insecticide applications waste money. If EAB has not been detected within 10-15 miles, your trees are at low risk. Be aware of the status of EAB in your location. Current maps of known EAB populations can be found at www.emeraldashborer.info. Remember, however, that once a county is quarantined, maps for that county are no longer updated.
- ✦ Trees that are already infested and showing signs of canopy decline when treatments are initiated may continue to decline in the first year after treatment, and then begin to show improvement in the second year due to time lag associated with vascular healing. Trees exhibiting more than 50 percent canopy decline are unlikely to recover even if treated.
- ✦ Emamectin benzoate is the only product tested to date that controls EAB for more than one year with a single application. It also provided a higher level of control than other products in side-by-side studies.
- ✦ Soil drenches and injections are most effective when made at the base of the trunk. Imidacloprid applications made in the spring or the fall have been shown to be equally effective.
- ✦ Soil injections should be no more than 2-4 inches deep, to avoid placing the insecticide beneath feeder roots.
- ✦ To facilitate uptake, systemic trunk and soil insecticides should be applied when the soil is moist but not saturated or excessively dry.
- ✦ Research and experience suggest that effectiveness of insecticides has been less consistent on larger trees. Research has not been conducted on trees larger than 25-inch DBH. When treating very large trees under high pest pressure, it may be necessary to consider combining two treatment strategies.
- ✦ Xytect™ soil treatments are labeled for application at a higher maximum rate than other imidacloprid formulations, and we recommend that trees larger than 15-inch DBH be treated using the highest labeled rate. Merit® imidacloprid formulations are not labeled for use at this higher rate. When treating larger trees with Merit® soil treatments, best results will be obtained with two applications per year. Imidacloprid formulations for homeowners (Bayer Advanced™ Tree & Shrub Insect Control and other generic formulations) can be applied only once per year.
- ✦ Homeowners wishing to protect trees larger than 15-inch DBH should consider having their trees professionally treated.
- ✦ Treatment programs must comply with any label restrictions on the amount of insecticide that can be applied per acre in a given year.





The Cooperative Emerald Ash Borer Program

For more information and to order
additional copies of this bulletin:

www.emeraldashborer.info/

The Ohio State University EAB Outreach Team

www.ashalert.osu.edu

Purdue Extension

www.entm.purdue.edu/eab/

University of Wisconsin

www.entomology.wisc.edu/emeraldashborer/

University of Illinois

ipm.illinois.edu/landturf/insects/

University of Minnesota

www.extension.umn.edu/issues/eab/



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EMERALD ASH BORER SUMMARY

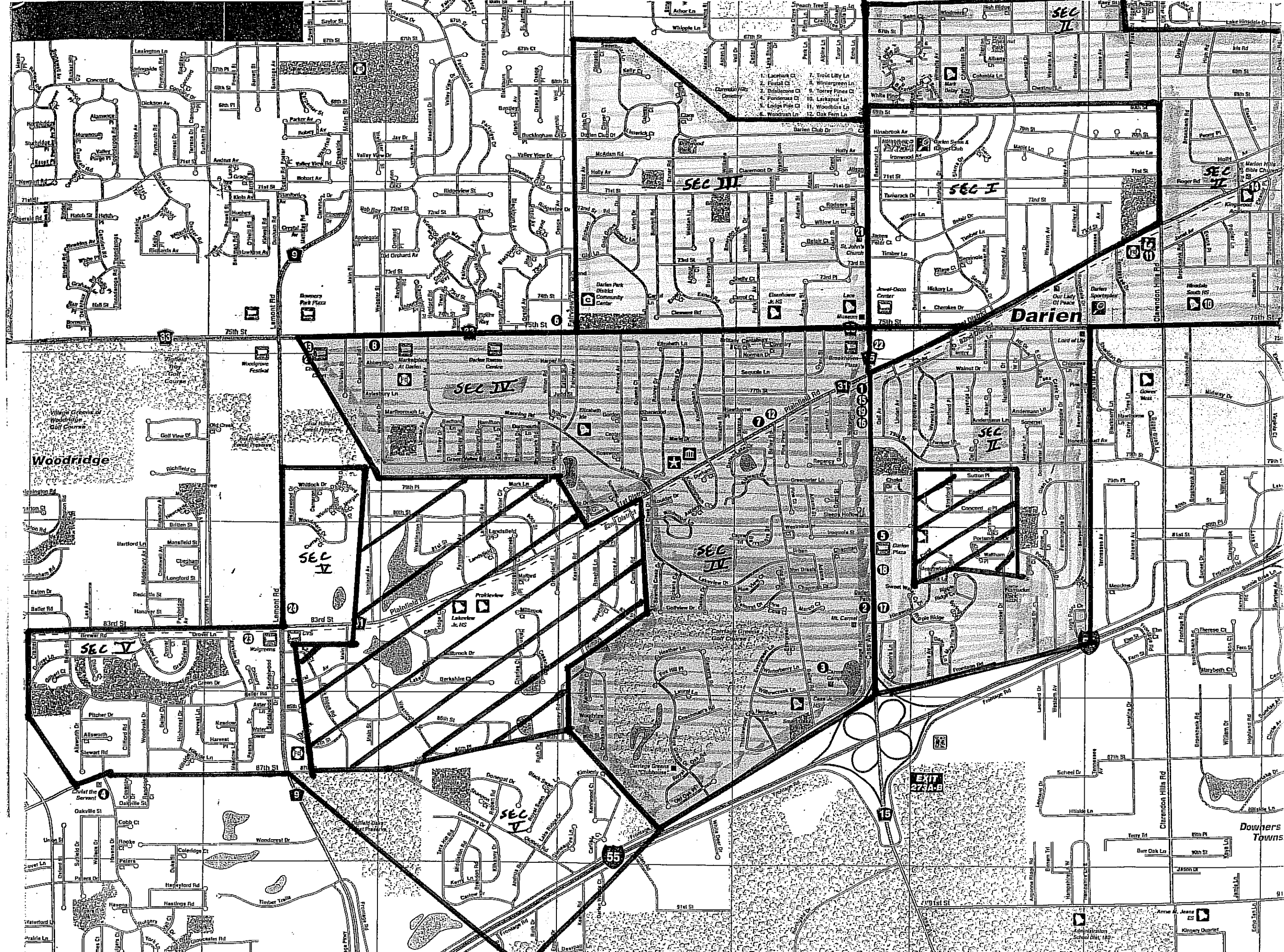
4/17/2012

Municipality	# of Ash Trees	EAB first identified	Policy Yes/No	Evaluation/Assessment	Plan of Action
Carol Stream		2007	Yes	Completed a full assessment of all Ash trees in early 2011 and aggressively started removing trees (300 in 2011). 500 are scheduled to be removed upcoming fiscal year May 1-April 30. Developed a management plan with options. Board decided on Option #2. (see attached)	Carol Stream adopted a policy that all affected trees would be removed at such time when their decline was to a point where the tree may soon become a danger. Also developed an EAB reserve fund of about 1.4 million and entered into an agreement with a nursery to grow 2000 trees for the Village to begin planting in 2012. To plant approx 300 trees for next 6 - 7 years Currently treating all parkway/ROW trees with a soil drench of Imidacloprid insecticide (75% complete). Survey and begin selective removals. Tree identified with EAB was on private property. H/O removed. City began treating all Ash Trees within half mile radius of identified tree and all Ash trees on 75th Street. The method of preventive maintenance treatment was "drenching" with the product "Bayer". Recently identified three more trees with EAB and will be removing. Spending \$50,000 to basal/soil drench, an unspecified amount to treat with Tre-age and doing removals requested by homeowners. Town divided into 3 groups. Group 1-981 ash trees were treated which consists of trees planted in early 1970s.. Group 2-293 ash trees treated in late April and early June 2011 which are trees primarily planted in 1980s and 1990s. Group 3-151 ash trees were treated in early June 2011.
Clarendon Hills	830			Developing policy for treatment and removals	Currently treating 300 good trees with Soil injection and 100 excellent trees with trunk injection. Monitoring treated and untreated. Removing some trees in-house and contracting out more difficult larger trees.
Darien	2614	2011		All trees are being inspected and monitored. Remove declining and unhealthy ash trees.	Started to treat 154 parkway trees with Safari. Have also implemented a removal and replacement program in Capital Improvement Plan Starting in June 2012.
Downers Grove	4007	2011		Had Natural-Path complete an inventory. Funding came from Mayors & Managers (\$20,000). Trees were rated: Excellent, Good, Fair & Poor.	139 severely ash trees scheduled for removal. 130 removed last year. Due to high number of moderately infested trees (719) may see dramatic increase in severely infested trees and possible removals. Treatment of 640 Ash trees holding up well.
Hinsdale	1500			Killed almost 80 trees since 2009. (see attached)	1151 parkway/ROW trees positively identified with EAB. 458 private trees and removed 25.
Lombard		2008		To date EAB free	
Oakbrook Terrace		N/A		Many trees identified in 2011 with moderate infestation have now severe infestation. 316 Ash trees showed no signs of EAB now showing moderate signs. 139 that showed moderate signs now showing severe signs and to be added to removal list.	
Roselle				Citywide evaluation completed February 2010. (Policy & Plan attached)	
St Charles	5013	2008	Yes		

EMERALD ASH BORER SUMMARY

4/17/2012

Municipality	# of Ash Trees	EAB first identified	Policy Yes/No	Evaluation/Assessment	Plan of Action
Schaumburg	6316			<p>Recently developed a Management Plan addressing treatment, removals, reforestation, public information and staffing.</p>	<p>Treat 524 trees 20" diameter or greater with insecticide every other year; continue annual treatment of 200 trees in Legacy Project with Safari; Public to receive identical pricing for treating their private or parkway trees at their cost; Insecticides will also be used for slowing the spread of EAB resulting in more control over mortality rates. Plan begins with 6315 trees treated in 1st year with the number of treated trees being reduced as removals occur. Remove dead or infested tree with 50% canopy loss to reduce hazardous or potentially hazardous trees from the urban forest. Reforestation Plan consists of 23 tree species that will allow for no single species to be more than 7% of total tree inventory; Delay reforestation until funding will allow; Residents will have option to participate in 50/50 program for replanting parkway tree during years reforestation is suspended. Amount of funds for program will be determined on a year to year basis; Residents will option to pay upcharge for larger diameter tree. Contract growing is an option for tree supply.</p>
Warrenville			Yes	Policy attached.	<p>Warrenville is not requiring removal of infested Ash trees from private property. The City is removing all infested trees from City property and ROW. Resident is given a choice to either receive a tree or have grass planted, dependent on funding (approx 50 trees a year). Tree list provided and must be approved by City Superintendent. Resident also given the option to have infested wood left behind for resident use. Hold Harmless Agreement to be signed.</p>
Westmont		2010		<p>Evaluate trees, mark for removal with severe signs of EAB infestation. Some trees starting to show signs of dieback. Applied for funding through Metropolitan Mayors Caucus past two grant cycles, so far unsuccessful. Included funding in FY 2012-13 budget to complete inventory (parkway and ROW trees only) to be performed by Arborist. Once inventory is complete, information will be used to develop a local EAB Management Plan possibly consisting of removal/replacement and potential chemical treatment of others, depending on cost.</p>	<p>116 trees removed in 2010 and approx 175 in 2011. Trees in all parts of town showing severe signs of woodpecker damage, #1 sign of EAB infestation, have begun marking for removal. Attempting to keep everything in-house but as EAB progresses might not be able to.</p>
Willowbrook					<p>Some HOAs have begun their own EAB abatement planning.</p>



1. Lacorbok Ct
2. Forest Ct
3. Dickinson Ct
4. Pondosa Ct
5. Long Pole Ct
6. Woodman Ln
7. Trout Lily Ln
8. Withergreen Ln
9. Torrey Pines Ct
10. Lakeway Ln
11. Woodhills Ln
12. Oak Farm Ln

Darien

Woodridge

Downers Towns

EXIT 273A-B

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**MINUTES
CITY OF DARIEN
MUNICIPAL SERVICES COMMITTEE MEETING
March 26, 2012**

PRESENT: Alderman Ted Schauer, Alderman Halil Avci, Dan Gombac-Director,
Michael Coren- Treasurer, Michael Griffith - Senior Planner, Elizabeth Lahey-
Secretary

ABSENT: Alderman Joseph Marchese Chairman

OTHERS: Scott Coren, Assistant City Administrator

Acting Chairperson Schauer called the Municipal Services Committee Meeting to order at 7:00 p.m. at City Hall – City Council Chambers, Darien, Illinois and declared a quorum present.

NEW BUSINESS:

- A. 7942 Glen Lane – Petitioner seeks a variation to reduce the required front yard setback from 35 feet to 30 feet in order to construct a front porch**

Mr. Michael Griffith, Senior Planner presented the staff report. He reported that the PZC held a public hearing and recommended approval. He stated that the petitioner is proposing to construct a covered porch. He further stated that there were neighbors who spoke in favor of the petition.

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

Alderman Avci made a motion and it was seconded by Alderman Schauer that based upon the submitted petition and the information presented, the request associated with PZC 2011-15 is in conformance with the standards of the Darien City Code and move that the Municipal Services Committee recommend approval of the petition as presented.

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

Acting Chairperson Schauer stated that this would be forwarded to the City Council on Monday, April 2, 2012

- B. Discussion – Intergovernmental Purchasing Analysis- Fuel**

Mr. Scott Coren, stated that during the budget discussions that staff recommended the replacement of rusting pumps at the Municipal Services Facility in the amount of \$18,000. He reported that the Committee of the Whole requested an evaluation of the administrative costs charged to local taxing bodies. Mr. Coren reported that staff reviewed this in 2009 and since then there has been a reduction in gas pumped from the facility because school buses are using different types of fuels and the City has recouped \$6,600 in 2009 and \$4,666 in 2011. He stated that the total annual cost for keeping the pumps is approximately \$8,000 per year with the most recent year projects to a total long term annual cost of \$3,414 to maintain the pumps, excluding staff time. He further stated that the City receives an administrative fee of \$0.11 per gallon.

Alderman Avci stated that the City provides this as a service and that the City should not be making money.

Assistant City Administrator Coren reported that staff maintains the equipment and the fuel system expenses. He stated that in 2009 the difference was between \$1,000 and \$2,000. He further stated that the City receives a good wholesale rate and that keeping the process the same is easier versus using a private gas station.

Mr. Gombac stated the payments are combined and that in reality most have been paid for over the years. He stated that there is not a separate bank account for this program.

Assistant City Administrator Coren reported that the entities are paying more than their share.

Alderman Avci stated that the system should not be disturbed for a couple of thousand dollars. Acting Chairperson Schauer agreed.

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

C. Resolution – Approving a contract for the 2012 Roadside Maintenance Ditching Program with Scorpio Construction Corp.

Mr. Dan Gombac reported that this resolution authorizes the City to execute a contract with Scorpio Construction Corp for the Neighborhood Drainage Program for the layout and replacement of storm sewer pipes and structures, and grading pending budget approval. He reported that the projects are Roger Road, Eleanor Place, Brookbank Road, Poplar Lane and Bentley Avenue with details outlined in the staff report.

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

Alderman Avci made a motion and it was seconded by Alderman Schauer to approve a Resolution authorizing the Mayor and the City Clerk to execute a contract for the 2012 Ditch Maintenance Project between the City of Darien and Scorpio Construction in an amount not to exceed \$209,620.00 pending budget approval.

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

D. Motion – Authorizing City staff to proceed with various in-house Drainage Projects

Mr. Dan Gombac, Director reported that staff provided a list in the agenda memo of various in-house drainage projects with selective outsourcing pending budget approval. He reported that staff will do any work that can be done in-house first. Mr. Gombac stated that in some cases doing the work in-house is not always cost effective and Staff will continue to look at cost savings opportunity during the construction.

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

Alderman Schauer made a motion and it was seconded by Alderman Avci to approve the in-house Drainage Projects outlined in the staff agenda memo pending budget approval.

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

E. Ordinance- 2012 Prevailing Rate of Wages

Mr. Dan Gombac, Director reported that every year state law requires municipalities to ascertain the prevailing wage for Public Works projects within the community.

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

Alderman Schauer made a motion and it was seconded by Alderman Avci to approve an Ordinance ascertaining the Prevailing Rate of Wages for laborers, workmen, and mechanics employed on Public Works of Said City.

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

F. Intergovernmental Agreement – Village of Downers Grove regarding street and water main improvements in the Knottingham Subdivision.

Mr. Dan Gombac, Director reported that the Village of Downers Grove will be reconstructing streets, replacing water mains, and installing traffic calming measures within the Knottingham Subdivision. He reported that there are 10 Darien residents within the Knottingham Subdivision. Mr. Gombac reported that the Village of Downers Grove and Darien have a history of working together to make improvements to the streets that lie between Downers Grove and Darien. He stated that the improvements the City would be financially responsible for is portions of the roadway. The City would be responsible for a limited amount of curb and gutter and resurfacing fronting Darien residents within the Knottingham Subdivision. The City would not be required to pay the amount due until May of 2013. The Village of Downers Grove will also be replacing a main line valve at the City's expense through their contract.

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

Alderman Schauer made a motion and it was seconded by Avci Schauer to approve a resolution authorizing the Mayor and the City Clerk to execute an Intergovernmental Agreement between the City of Darien and the Village of Downers Grove for Street and Watermain Improvements in the Knottingham Subdivision.

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

G. Minutes – February 27, 2012 – Municipal Services Committee

Alderman Schauer made a motion and it was seconded by Alderman Avci to approve the February 27, 2012 Municipal Services Committee Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 2-0

DIRECTOR'S REPORT:

Mr. Dan Gombac, Director reported that staff is working with Home Depot on a remodeling program to promote to residents. He reported that there will be discussion at a future meeting regarding architects helping residents at the request of Alderman Marchese.

Mr. Gombac reported that staff is looking at Code revisions as well as sprinkler suppression in homes.

NEXT MEETING:

Acting Chairperson Schauer announced that the next meeting is scheduled for Monday, April 23, 2012 at 6:30 p.m.

ADJOURNMENT:

With no further business before the Committee, Alderman Avci made a motion and it was seconded by Alderman Schauer. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 7:45 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Joseph Marchese
Chairperson

Halil Avci
Alderman

Ted Schauer
Alderman