
EXECUTIVE SESSION – 7:00 P.M. – LITIGATION SECTION 2(C)(11) OF THE OPEN MEETINGS ACT

PRE-COUNCIL WORK SESSION — 7:00 P.M.

Agenda of the Regular Meeting

of the City Council of the

CITY OF DARIEN

November 2, 2009

7:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Declaration of Quorum
5. Approval of Minutes — [October 19, 2009](#)
6. Receiving of Communications
7. Mayor's Report
 - A. [Attorney Update-FOIA/Open Meetings Act Amendments](#)
8. City Clerk's Report
9. City Administrator's Report
10. Department Head Information/Questions
11. Treasurer's Report
 - A. Warrant Number — [09-10-12](#)
12. Standing Committee Reports
13. Questions and Comments — Agenda Related (This is an opportunity for the public to make comments or ask questions on any item on the Council's Agenda.)
14. Old Business

15. Consent Agenda
 - A. Consideration of a Motion to Approve a Resolution Authorizing the Mayor to Accept a Proposal from Water Services Company, in an Amount not to Exceed \$9,418.50 ([Water System-Leak Detection Survey](#))
 - B. Consideration of a Motion to Approve a Resolution Authorizing the Mayor and City Clerk to Execute an [Intergovernmental Agreement Between the City of Darien and Center Cass School District #66](#) for Rock Salt
 - C. Consideration of a Motion to Approve an Ordinance Approving a Special Use in the O Office Zoning District for the Operational Medical Clinic (PZC 2009-10: [8110 Cass Avenue](#))
 - D. Consideration of a Motion to Approve an Ordinance Amending Existing Variations to the Darien Zoning Ordinance (PZC 2009-09: [6700 Route 83](#))
 - E. Consideration of a Motion to Approve an Ordinance [Amending the City of Darien 2009-2010 Budget](#)

16. New Business
 - A. Consideration of a Motion to Approve a Resolution Authorizing the City Administrator to Enter into [an Agreement with Commonwealth Edison](#) or to Expend Funds to Bury Utility Lines that Would Otherwise be Added as Overhead Poles on 75th Street, Subject to Attorney Review

17. Questions, Comments and Announcements — General (This is an opportunity for the public to make comments or ask questions on any issue.)

18. Adjournment

A WORK SESSION WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR WEAVER FOR THE PURPOSE OF REVIEWING ITEMS ON THE OCTOBER 19, 2009 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:29 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

OCTOBER 19, 2009

1. **CALL TO ORDER**

The regular meeting of the City Council of the City of Darien was called to order at 7:30 P.M. by Mayor Weaver.

2. **PLEDGE OF ALLEGIANCE**

Mayor Weaver led the Council and audience in the Pledge of Allegiance.

3. **ROLL CALL** — The Roll Call of Aldermen by Clerk Coleman was as follows:

Present:	Halil Avci	Sylvia McIvor
	John Galan	John F. Poteraske, Jr.
	Carolyn A. Gattuso	Ted V. Schauer
	Joseph A. Marchese	

Absent: None

Also in Attendance: Kathleen Moesle Weaver, Mayor
Joanne F. Coleman, City Clerk
Michael J. Coren, City Treasurer
Judith Kolman, City Attorney
Bryon D. Vana, City Administrator
Daniel Gombac, Director of Community Development/Municipal Services
Robert Pavelchik, Police Chief
Scott Coren, Assistant City Administrator
Paul Nosek, Accounting Manager

4. **DECLARATION OF A QUORUM** — There being seven aldermen present, Mayor Weaver declared a quorum.

5. **APPROVAL OF MINUTES** — September 17, 2009 Goal Setting Session
— October 5, 2009 City Council Meeting

October 19, 2009

It was moved by Alderman Marchese and seconded by Alderman Gattuso to approve the minutes of the September 17, 2009 Goal Setting Session, as presented.

Roll Call: Ayes: Avci, Galan, Gattuso, Marchese, McIvor, Poteraske, Schauer

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

It was moved by Alderman Schauer and seconded by Alderman McIvor to approve the minutes of the October 5, 2009 City Council Meeting, as presented.

Roll Call: Ayes: Avci, Galan, Gattuso, Marchese, McIvor, Poteraske, Schauer

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

6. **RECEIVING OF COMMUNICATIONS**

Alderman Gattuso received a telephone call from Helen Dinello of 610 Chippewa who expressed gratitude to Director Gombac and the Public Works staff for the rear yard drainage project performed at her home, and for the installation of a new street light.

Alderman Galan received compliments from Henrik Stroede of 7310 Eleanor and Elmer Kalny of 309 Janet expressing gratitude to Director Gombac for his responsiveness to their drainage concerns. Both residents were very pleased with the work performed.

Alderman Avci...

...received a telephone call from Joe Bielaga of 7315 Seminole requesting that the City Council Work Sessions be televised.

October 19, 2009

...advised that, as part of their budget review for next year, PACE is proposing to eliminate Saturday service on Bus Route 715. Public comment is being accepted from October 19 to October 30, 2009. Information on the proposed budget cuts can be obtained on PACE's website at www.pacebus.com. PACE is in the process of conducting several public hearings. The hearings nearest to Darien will be taking place on Tuesday, October 20 from 4:30 P.M. to 6:30 P.M. at College of DuPage, and on Wednesday, October 21 from 4:30 P.M. to 6:30 P.M. at Bicentennial Park Theater in Joliet. Residents who will be affected by the elimination of Saturday service on Bus Route 715 are encouraged to call 847-364-7223 to submit their concerns.

Mayor Weaver...

...added that PACE is also proposing elimination of Bus Route 661 on weekdays.

...advised that Atillo Dinello of 610 Chippewa Lane stopped at City Hall last Friday to express his pleasure with the rear yard drainage work that was performed at his home. Mr. Dinello was excited that the drainage problem, which was caused by DuPage County thirty years ago, has finally been resolved.

Per Administrator Vana's request, Director Gombac reviewed the Rear Yard Drainage Cost Share Program.

7. **MAYOR'S REPORT**

Mayor Weaver announced that Jo Ann Fabrics opened their doors as a new business in the Chestnut Court Shopping Center in Darien on Friday, October 16, 2009.

Mayor Weaver advised that the Blue Diamond Group hosted a very pleasurable, successful Coffee with the Mayor this past Saturday. The Chamber of Commerce has expressed interest in continuing the program with other businesses in town. Mayor Weaver looks forward to many more opportunities to work with the Chamber.

A. Swearing in of Police Officers: Michael D. Krueger and James T. Seaton

City Clerk Coleman administered the Oath of Office to Michael D. Krueger.

There was a round of applause from the Council Members and the audience, and congratulatory hand shakes from the City Council.

City Clerk Coleman administered the Oath of Office to James T. Seaton.

There was a round of applause from the Council Members and the audience, and congratulatory hand shakes from the City Council.

B. Mayor Weaver read into the record a proclamation declaring October, 2009 as “*National Breast Cancer Awareness Month*” in the City of Darien.

C. **Audit Presentation**

Lou Karrison of Sikich Professional Services & Support presented and reviewed the Independent auditors Report and the Comprehensive Annual Financial Report which was expanded to meet the requirements of Government Finance Officers Association. Mr. Karrison advised that the auditors agree that the city’s financial statements are fair, reasonable, and contain no misstatements. This is the highest form of assurance the auditors can provide.

Treasurer Coren thanked Mr. Karrison, Accounting Manager Paul Nosek, and other staff members for all their efforts, not only with the audit but throughout the year. Treasurer Coren is pleased the city was able to achieve the highest level of opinion.

Alderman Poteraske noted that a detailed review of the Annual Financial Report was conducted during the Administrative/Finance Committee Meeting.

Mayor Weaver advised that the Comprehensive Annual Financial Report is available for public review.

8. **CITY CLERK’S REPORT**

City Clerk Coleman announced that the City Council packets are now available on the City’s website. Clerk Coleman thanked Maria Gonzalez for her efforts in accomplishing this.

9. **CITY ADMINISTRATOR’S REPORT**

City Administrator Vana advised that, in response to Mayor Weaver’s request, the current budget has been reviewed, and items which may be reduced, eliminated, or postponed have been identified to offset the \$700,000 reduction in this year’s revenue from the state’s sales and income taxes. The list includes approximately \$270,000 from the General Fund, and approximately \$150,000 from the Water Depreciation Fund. The MFT Fund will remain as is. Administrator Vana is anticipating bringing the list back to the next City Council Meeting in the form of an ordinance for a budget amendment.

Mayor Weaver pointed out misinformation in Don Grigas’s article which was published in the Suburban Life Newspaper.

Administrator Vana will review the information and contact Mr. Grigas.

October 19, 2009

Alderman Avci noted a discrepancy in the information provided through Direct Connect on the tax increases. Alderman Avci requested that the corrected information be published in the Neighbors of Darien Magazine, if possible.

A lengthy discussion took place regarding the language used to define the rate increases.

Mayor Weaver disagreed with Alderman Avci's assessment, and felt a correction need not be published.

Treasurer Coren agreed with Mayor Weaver.

10. **DEPARTMENT HEAD INFORMATION/QUESTIONS**

In response to Alderman Gattuso, Director Gombac advised that the Walnut construction project remains on schedule, and is expected to be completed by October 31, 2009.

In response to Alderman Galan, Assistant Administrator Coren updated the City Council on two ComEd projects. ComEd will be replacing a mile of lines between 69th and Chestnut, and sixteen poles identified in poor condition are being replaced. ComEd is the process of performing a more regional project to upgrade capacity. Unfortunately, as part of this project, ComEd is planning on the low cost option of putting overhead lines on the north side of 75th Street near Cass Avenue. The ICC requires ComEd to follow the lowest cost option. Staff is working with ComEd in an attempt to find low cost alternatives.

Mayor Weaver directed staff to immediately communicate, in writing, to ICC to explain the impact the overhead lines would have on the City of Darien, and the Darien Historical Society.

Alderman Poteraske advised that the ICC has a website where the communication can be filed.

Mayor Weaver stressed the urgency of the situation.

In response to Alderman Poteraske's inquiry, Chief Pavelchik advised that, if Darien's Police Officers choose to get immunized for H1N1 Flu, vaccines are offered by the Health Department. Although getting immunized is encouraged, no one is being ordered to get one. Many officers got the seasonal flu shots.

In response to Alderman McIvor, Director Gombac responded that the markings the residents have noticed in Farmingdale Village are related to the city's 2010 proposed

October 19, 2009

road program. Core samples will be taken within the next two days to determine the consistency of the existing road.

Chief Pavelchik reminded the residents that, although there are no regulations governing the hours of trick or treating in Darien, residents are encouraged to go out early. The Lions Club will be hosting a Halloween party on Saturday, October 31, at 6:30 P.M. at the Darien Sportsplex.

Chief Pavelchik added that the Police Department has a Harley motorcycle, which was obtained through DUI forfeiture, for sale on EBay. The EBay identification number is CODPD1710.

11. **TREASURER'S REPORT**

A. WARRANT NUMBER 09-10-11

It was moved by Alderman Galan and seconded by Alderman Gattuso to approve payment of Warrant Number 09-10-11 in the amount of \$68,829.97 from the General Fund; \$181,553.65 from the Water Fund; \$486.63 from the Motor Fuel Tax Fund; \$62,242.00 from the Water Depreciation Fund; \$575.07 from the Darien Area Dispatch Fund; \$15,386.00 from the Capital Improvement Fund; \$216,472.42 from the General Fund Payroll for the period ending 10/08/09; \$22,696.95 from the Water Fund Payroll for the period ending 10/08/09; \$20,986.69 from the D.A.D.C. Fund Payroll for the period ending 10/08/09 for a total to be approved of \$589,229.38.

Discussion: Alderman Poteraske requested information on the two charges for patching on 63rd Street. Director Gombac responded that the two charges relate to two water main breaks under 63rd. Although the water main is old, Director Gombac does not feel it needs to be removed and replaced at this time.

Alderman Poteraske asked if there are plans to screen the ornamental fencing on Plainfield. Director Gombac responded that Public Works is working on welding some of the old screening on to the new fence.

Administrator Vana added that, in the future, staff will be looking for another area to store the vehicles.

In response to Mayor Weaver's inquiry, Director Gombac advised that the city has a service contract with C & A Landscaping to maintain the center island in the cul de sac at Grant Court.

October 19, 2009

Roll Call: Ayes: Avci, Galan, Gattuso, Marchese, McIvor, Poteraske, Schauer

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

B. TREASURER’S MONTHLY REPORT – SEPTEMBER, 2009

Treasurer Coren reviewed all year-to-date sources of revenue and expenditures and fund balances through the month of September, 2009: General Fund Revenue \$6,059,467; General Fund Expenditures \$5,304,239; Current General Fund Balance \$3,634,294; Water Fund Revenue \$1,061,349 Water Fund Expenditures \$1,511,461; Current Water Fund Balance \$843; Motor Fuel Tax Fund Revenue \$249,683; Motor Fuel Tax Fund Expenditures \$141,269; Current Motor Fuel Tax Fund Balance (\$3,433); Water Depreciation Fund Revenue \$8,843; Water Depreciation Fund Expenditures \$948; Current Water Depreciation Fund Balance \$644,069; Capital Improvement Fund Revenue \$211,971; Capital Improvement Fund Expenditures \$1,550,691; Current Capital Improvement Fund Balance \$1,352,278; Capital Projects Debt Service Fund Revenue \$84,819; Capital Projects Debt Service Fund Expenditures \$452,000; and a current fund balance of \$73,104.

12. **STANDING COMMITTEE REPORTS**

Public Works Water/Streets Committee — Alderman Marchese submitted the minutes of the Public Works Water/Streets Committee Meeting of September 21, 2009, and announced that the next meeting has been rescheduled to take place on Tuesday, November 17, 2009 at 6:30 P.M. in the upstairs conference room.

Planning/Development Committee — Alderman McIvor advised that the next Planning/Development Committee Meeting has been rescheduled to take place tomorrow, Tuesday, October 20, 2009 at 6:30 P.M. in the Council Chambers.

Administrative/Finance Committee — Alderman Poteraske submitted the minutes of the Administrative Finance Committee Meeting of October 16, 2009, and advised that the next meeting is scheduled to take place on Monday, November 9, 2009 at 6:30 P.M. in the upstairs conference room pending agenda times.

13. **QUESTIONS AND COMMENTS — AGENDA RELATED**

There were none.

14. **OLD BUSINESS**

There was no old business to come before the City Council.

15. **CONSENT AGENDA**

Mayor Weaver reviewed the items on the Consent Agenda for the benefit of the viewing audience.

It was moved by Alderman Galan and seconded by Alderman Gattuso to approve by Omnibus Vote the following items on the Consent Agenda:

A. CONSIDERATION OF A MOTION TO APPROVE LEVY DETERMINATION AND ORDINANCE LEVYING TAXES FOR GENERAL AND SPECIAL PURPOSES FOR FISCAL YEAR 2009-2010

B. CONSIDERATION OF A MOTION TO APPROVE CITY ADMINISTRATOR SUBMITTING REQUEST TO DUPAGE COUNTY TO TRANSFER THE COUNTY PARCELS ON 74TH STREET TO THE CITY OF DARIEN

C. RESOLUTION NO. R-73-09 CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO REPLACE THE TORNADO SIREN AND POLE AT 1834 MANNING IN AN AMOUNT NOT TO EXCEED \$17,325.25

Roll Call: Ayes: Avci, Galan, Gattuso, Marchese, McIvor, Poteraske, Schauer

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

16. **NEW BUSINESS**

October 19, 2009

It was moved by Alderman McIvor and seconded by Alderman Gattuso to approve

A. RESOLUTION NO. R-74-2009 CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH JIM SCHANE TO RENT SPACE AT THE HERITAGE CENTER FOR \$1,350.00 PER MONTH

Alderman Galan inquired if this is an open ended lease or if there is a specific time frame.

Assistant Administrator Coren advised that the lease will be on a month-to-month basis beginning November 15, 2009. The new business operation is coin dealer and cash for gold. Mr. Schane plans to continue his business in Darien once the center closes.

In response to City Clerk Coleman and Mayor Weaver, Assistant Administrator Coren advised the business is not a pawn broker or loan operation.

Roll Call: Ayes: Avci, Galan, Gattuso, Marchese, McIvor, Poteraske, Schauer

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0
MOTION DULY CARRIED

17. **QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL**

Alderman Galan questioned why the city does not regulate trick or treating hours.

Mayor Weaver advised that discussions were held in the past, but the City Council chose not to act on those discussions.

Administrator Vana questioned whether an ordinance regulating the hours would be enforceable.

Attorney Kolman commented that other communities do have specific hours for trick or treating. Attorney Kolman added that if an ordinance is passed and the date of the time

October 19, 2009

change is moved, the ordinance may have to be revisited as the daylight hours may be affected.

Mayor Weaver feels that parents self-regulate trick or treating hours.

Alderman Avci reviewed the highlights of the public transportation conference he attended on behalf of the city on October 9, 2009.

Jack McDonnell of 7925 Farmingdale Drive addressed the City Council with his displeasure at how the sales and utility tax increases occurred, and his feelings that an increase in property taxes would be more advantageous to Darien residents.

EXECUTIVE SESSION

It was moved by Alderman McIvor and seconded by Alderman Galan to go into Executive Session for the purpose of discussing Personnel 2(C)(1) of the Open Meetings Act at 7:00 P.M. No action will take place as a result of these discussions.

Roll Call: Ayes: Avci, Galan, Gattuso, Marchese, McIvor, Poteraske, Schauer

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

18. **ADJOURNMENT**

There being no further business to come before the City Council, it was moved by Alderman McIvor and seconded by Alderman Galan to adjourn.

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:48 P.M.

Mayor

City Clerk

ld

All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 10-19-09.
Minutes of 10-19-09 CCM

Rosenthal, Murphey & Coblenz

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 Email

To: Mayor Kathy Weaver and Bryon Vana
Fr: John B. Murphey
Date: September 17, 2009
Re: FOIA/Open Meetings Act Amendments – ([SUMMARY](#))

The Governor has signed into law the massive amendments to the Freedom of Information Act and Open Meetings Act, now is the appropriate time for us to intensively prepare for compliance prior to the January 1, 2010 effective date. Most of the new responsibilities for compliance are at staff level. Nevertheless, it is important for the elected officials to be versed on the new obligations and timelines.

To that end, I would suggest that I make a fairly brief presentation to the Council summarizing the new requirements. Then, as we move in the fall I will meet with staff to make the necessary changes in plans and processes in order to bring the City into compliance with the new requirements.

Please give me a call so we can make appropriate arrangements for my appearance. Thanks.

THE FREEDOM OF INFORMATION ACT **AMENDMENTS MADE EASY**

1. Q: Where do I find this new law?

A: The law has been signed by the Governor and is Public Act 96-542.

2. Q: When does the new law go into effect?

A: January 1, 2010.

3. Q: What makes this new law so different and so challenging?

A: The legislature has made it crystal clear that the best way to promote the "transparency and accountability of public bodies at all levels of government" is to require public bodies – as a "fundamental obligation of government" – to "provide public records as expeditiously and efficiently as possible."¹ This declaration makes it clear that producing rather than withholding records "is a primary duty of public bodies to the people of this State," in spite of any fiscal obligations that compliance imposes.²

Finally, the new law now creates a presumption that all records in possession of the public body are subject to disclosure, and if a public body claims an exemption, that body "has the burden of proving by clear and convincing evidence that [the record] is exempt."³

The best way to understand the philosophy of the new law is that it provides multiple disincentives to non-disclosure. In the case of close calls, the

¹ 5 ILCS 140/1.

² 5 ILCS 140/1.

³ 5 ILCS 140/1.02.

new law makes it clear to local government that the cost of non-compliance outweighs any costs or risks associated with compliance and disclosure.

4. Q: What is this about there being a "new sheriff in town"?

A: The new law creates a state-wide office under the auspices of the Attorney General. The office is called the "Public Access Counselor" or "PAC". The PAC will now serve the role of both advisor and judge. Among other things, the PAC will issue opinions and advice to local governments as to whether documents are subject to disclosure. In cases of dispute, the PAC has the authority to issue subpoenas to obtain disputed local records, to issue binding opinions requiring the disclosure of documents which have been withheld by the governmental body, and to file lawsuits against local governments to obtain compliance.⁴

In essence, the PAC is a fast track alternative to expensive and time-consuming litigation over whether certain documents are subject to disclosure under the law.

5. Q: What's the first thing we need to do to get into compliance with the law?

A: Each public body must designate one or more of its officials or employees to serve as the "Freedom of Information Officer," or "FOIO". The Act shifts all of the response and compliance responsibilities to the FOIO.⁵

6. Q: Don't we still have the system where an administrative denial of access can be appealed to the head of the public body?

A: No. That two-tiered system has been eliminated. The FOIO is the sole responder on behalf of the local government.

⁴ 15 ILCS 205/7.

⁵ 5 ILCS 140/3.5.

7. Q: What are some of the first things the FOIO must do?
- A: As a generic matter, the FOIO must develop a list of all documents or categories of records that the local public body will immediately disclose upon request. These would include things such as financial records, records of expenditures, records of any official actions of the local body; in short, all categories where there is not even a potential exception.
8. Q: How is the FOIO supposed to keep track of individual requests?
- A: The law requires the FOIO to develop systems for receiving and responding to requests. In particular, whenever the FOIO receives a request for public records, she has to:
- (i) Note the date of receipt;
 - (ii) Make a note of the response due date;
 - (iii) Maintain a record of the request and all documents submitted with the request until the request has complied with or denied; and
 - (iv) Create a file to retain the original request, a copy of the response of record of all communications with the requestor and a copy of all related relevant correspondence.⁶
9. Q: Is the new law going to help the FOIO learn about her duties?
- A: Yes. Within six (6) months from the date of the Act, the FOIO must complete an electronic training curriculum to be developed by the PAC and must thereafter complete an annual training program. If the FOIO is replaced, the new person

⁶ 5 ILCS 140/3.5(a).

must complete that training curriculum within thirty (30) days after assuming the position. This is mandatory.⁷

10. Q: The law already requires us to prominently display and maintain basic information about the public body. Is there any additional information we have to display?

A: The mandatory global disclosure information now has to include the identification of the FOIO and the address where records requests should be directed. In addition, all websites must include this information.⁸

11. Q: Has the new law affected the manner in which we can charge for records?

A: Substantially. First, the law creates a bias in favor of producing records in electronic form. There can be no charge at all when information is simply e-mailed to a requestor.⁹

12. Q: Can we still charge for paper records?

A: Not as much as before. When records are being produced in paper form there can be no charge for the first fifty (50) pages. Thereafter, the maximum fee is fifteen (.15) cents a page. If color copies or oversized copies are produced, the public body cannot charge any more than its actual reproduction costs. There can be no passing on of any "administrative fee" associated with personnel costs. Finally, the costs of providing a certified copy of a record cannot exceed one (\$1.00) dollar.¹⁰

⁷ 5 ILCS 140/3.5(b).

⁸ 5 ILCS 140/4.

⁹ 5 ILCS 140/6(a).

¹⁰ 5 ILCS 140/6(b).

13. Q: Can you please now discuss the exemptions. Are there any categories of records which are exempt? What happens if a record contains some exempt and some non-exempt material?

A: Let's answer the second question first. When a record contains some exempt and non-exempt material, a public body choosing not to disclose the exempt material may redact the information which is exempt.¹¹ Some of the new exemptions will be discussed in the next few questions and answers.

14. Q: There is so much concern about disclosure of private or personal information. How does the new law address these sensitive areas?

A: Let's first talk about private information. The law generally protects against disclosure of private information, defined to mean "unique identifiers including a person's social security number, driver's license number, employee identification number, personal financial information, passwords, medical records, home or personal phone numbers and personal e-mail addresses." Private information also includes home address and personal license plates.¹²

15. Q: We frequently deny FOIA requests because of concern about invasion of privacy. Does the law still allow this exemption?

A: Yes, but with a much tighter definition. The law exempts disclosure of personal information contained within a public record when the disclosure of that information would constitute a clearly unwarranted invasion of personal privacy. The term "unwarranted invasion of personal privacy" is now defined to mean information that "is highly personal or objectionable to a reasonable person and in

¹¹ 5 ILCS 140/7(1)(a).

¹² 5 ILCS 140/7(1)(b)

which the subject's right to privacy outweighs any legitimate public interest in obtaining the information."¹³

16. Q: Wow. Does that mean that the FOIO is going to have to make judgment calls and engage in balancing?

A: Yes. This is probably one of the most difficult areas for the FOIO to tackle.

17. Q: We are periodically involved in on-going administrative investigations for all sorts of enforcement proceedings. Do we now have to give up these documents?

A: The law still allows these documents to be exempt from disclosure, but the exemption must fit within one of several tightly constructed exceptions. Non-disclosure is allowed only to the extent that disclosure would:

- (i) Interfere with pending or contemplated law enforcement proceedings that the recipient of the request is contemplating;
- (ii) Interfere with an active administrative enforcement proceeding by the recipient. This means that if a proceeding is completed or is no longer considered "active" by the agency, the documents need to be disclosed;
- (iii) Create a "substantial likelihood" that a person will be deprived of a fair trial or an impartial hearing;
- (iv) Unavoidably disclose the identity of confidential sources, confidential information furnished by confidential sources, or persons who file complaints with, or provide information to, investigative or administrative agencies. However, the identities of witnesses to traffic accidents, traffic accident reports and fire department/paramedic records must be produced

¹³ 5 ILCS 140/7(1)(c).

unless those disclosures would interfere with an active criminal investigation conducted by the recipient;

- (v) Disclose specialized investigative techniques, but only where such disclosure would result in "demonstrable harm to the agency or public body that is the recipient of the request";
- (vi) Endanger the life or safety of any person (primarily in the law enforcement area); or
- (vii) Obstruct an on-going criminal investigation by the recipient.¹⁴

18. Q: We frequently assume that a lot of records dealing with private or commercial matters are "proprietary" and therefore we don't disclose them. Does the law affect this at all?

A: Yes. The "trade secrets" exception has been tightened up. First, a trade secret must consist of "commercial or financial information." Secondly, it is no longer the public body's judgment call as to what records are proprietary. It is now up to the party furnishing the information to the local government to make "a claim that [the records] are proprietary, privileged or confidential" and that the disclosure of this information would cause competitive harm to that person or business.¹⁵

19. Q: Much of our work force is now unionized. We are constantly dealing with grievances and disciplinary arbitrations. How does the law address these matters?

A: The law has an unusual "half a loaf" exemption in this regard. Records relating to a public body's adjudication of employee grievances or disciplinary cases are exempt from disclosure. However, this exemption "shall not extend to the final

¹⁴ 5 ILCS 140/7(1)(d).

¹⁵ 5 ILCS 140/7(1)(g).

outcome of cases in which discipline is imposed." This means that if a public body brings an action to terminate an employee and the matter results in a grievance or arbitration, the underlying documents are exempt from disclosure, but the bottom line result is a public record.¹⁶

20. Q: In the past, one way we have prevented sensitive information from being subject to disclosure is to have it held by our outside accountant or outside attorney. Is this practice still acceptable?

A: No. The law now specifically provides that a document that is not in possession of a public body but is in possession of an outside third party with that type of relationship with the governmental body and is not otherwise exempt under the Act is considered a public record.¹⁷

21. Q: Assuming we now have any basis at all for denying any kind of an FOIA request, how is that denial to be handled?

A: When a request is denied, denial must be in writing, and it must include a "detailed factual basis for the application of any exemption claimed." In addition, the FOIO must notify the requestor that she has a right to review this denial by the PAC. The notice of denial must also provide the address and phone number of the PAC.¹⁸

22. Q: Wow. It almost sounds like the FOIO has to be a lawyer in order to make an intelligent denial.

A: You may be right. The Act specifically provides that when a request is denied based on a specific part of Section 7 (the list of reasons for denial discussed

¹⁶ 5 ILCS 140/7(1)(n).

¹⁷ 5 ILCS 140/7(2).

¹⁸ 5 ILCS 140/9(a).

above), the notice must not only include the specific reasons for denial, it must include a "detailed factual basis and a citation to supporting legal authority," meaning, things such as prior court cases authorizing an exemption. To be sure, the FOIO will need to consult regularly with legal counsel in the case of exemptions.¹⁹

23. Q: Let's assume we deny a request. How does the PAC come into play?

A: If the public body denies a request, the requestor has sixty (60) days to request review from the PAC.

24. Q: Are there ever any occasions when the local body itself has to reach out to the PAC in advance of a denial?

A: Yes. The legislature has concluded that the two disclosure exemptions most capable of abuse are 7(1)(c), which is the "unwarranted invasion of personal privacy" exemption, and 7(1)(f), which is the exemption allowing non-disclosure of preliminary drafts, notes, recommendations, memoranda or other records in which opinions are expressed or policies or actions are formulated (the "preliminary draft/recommendation" exemption). If the FOIO determines that a requested record is exempt under one of these two sections, the FOIO must – within the time periods provided for responding to a request that we discuss below – must provide notice to the requestor and the PAC of the body's intent to deny the request. The notice has to include a copy of the request, the proposed response, and a detailed summary of the basis for asserting the exemption.²⁰

25. Q: What happens when the PAC gets this notice?

¹⁹ 5 ILCS 140/9(b).

²⁰ 5 ILCS 140/9.5(b).

- A: The PAC has five (5) days to determine whether further inquiry is warranted. If the PAC determines that further inquiry is warranted, then the appeal procedures are triggered.²¹
26. Q: What are those appeal procedures?
- A: Once the PAC is involved, the PAC may determine that the requestor's appeal is without merit. If the PAC determines that further review is warranted, then the public body has seven (7) working days after receipt to furnish the requested records to the PAC for review.²²
27. Q: Does the public body have the right to provide a more thorough explanation of the basis for the denial?
- A: Yes. The law allows this type of supplementation subject to time frames.²³
28. Q: How does the PAC resolve the matter?
- A: Generally, the PAC, in consultation with the Attorney General, issues a binding opinion as to whether or not the record should be disclosed.²⁴
29. Q: We know we have a right to appeal a decision ordering the release of records to court, but litigation is expensive. Can we get in trouble for releasing records in response to an Attorney General's opinion?
- A: No. One of the most important aspects of the new law is the safe harbor immunity provided local governments which act in accordance with an opinion of the Attorney General. A body that discloses information in response to such

²¹ 5 ILCS 140/9.5(b).

²² 5 ILCS 140/9.5(c).

²³ 5 ILCS 140/9.5(d).

²⁴ 5 ILCS 140/9.5(h).

opinion is immune from all liabilities by reason of such disclosure and is not liable for any penalties under the law.²⁵

30. Q: What if we decide to fight the matter and take it to court? What do we face?

A: It will be difficult. The burden of proof is now on the public body to prove that a record is exempt. The public body has the burden of proving a record is exempt "by clear and convincing evidence." As you can see, there are real disincentives built in to any potential decision by a local government to fight a determination of the PAC or attorney general.²⁶

31. Q: It sounds like we will be producing a lot more than we will be withholding. Are there any categories of records which are "automatic" public records?

A: Yes. Here are the most important broad categories of records which the legislature has now determined to be more or less automatic public records:

(i) All records relating to any obligations, use or expenditure of public funds is public record. In essence, anything dealing with public monies is public record subject to inspection and copying by the public; and

(ii) The related area of payroll records submitted to a public body by contractors working on public jobs pursuant to the Prevailing Wage Act are public records.²⁷

32. Q: You mentioned above that the two-tiered response format is no longer part of the law. Have the timetables for compliance themselves been changed?

A: Yes. First, the public body may not require that the request be submitted on any standard form. As long as a request is in writing, it must be honored. In addition,

²⁵ 5 ILCS 140/9.5(f).

²⁶ 5 ILCS 140/11(f).

²⁷ 5 ILCS 140/2.5, 2.10.

the public body may, but does not have to, honor oral requests. Under the prior law, the initial response deadline was 7 working days. Now, the public body must respond to a request within five (5) business days after receipt of the request.²⁸

33. Q: Let's say the FOIO happens to be a couple of days late. Is there any penalty?

A: Yes. If the response is late, the public body forfeits its right to charge the requestor for fees.²⁹

34. Q: Can the FOIO extend the deadline?

A: Yes. The FOIO may extend the compliance date by not more than five (5) business days. The law does allow the requestor and the FOIO to negotiate an extended deadline.³⁰

35. Q: What if the FOIO takes an additional five (5) days and then determines that compliance would be unreasonably burdensome?

A: By invoking an extension, the FOIO forfeits the right to invoke the "unduly burdensome" protection.³¹

36. Q: Are there any special rules for police records?

A: Yes. As a general rule, arrest reports must now be furnished "as soon as practical, but in no event later than seventy-two (72) hours after the arrest." One of the new amendments makes it clear that arrest information, as well as related court records, are subject to disclosure. Some details may be withheld if it is determined that the disclosure would interfere with pending or contemplating law

²⁸ 5 ILCS 140/3(c) and (d).

²⁹ 5 ILCS 140/3(d).

³⁰ 5 ILCS 140/3(e) and (f).

³¹ 5 ILCS 140/3(f).

enforcement proceedings, endanger the life or safety of someone, or compromise the security of a correctional facility.³²

37. Q: With all of these new disclosure obligations, we are sure to be bombarded by companies seeking all sorts of records for commercial purposes. Are we bound to the same deadlines when we get such a request?

A: No. The law creates a new definition of "commercial purposes," to mean the use of records for purposes of sale, resale, advertising or related purposes. This exception makes it clear that matters relating to the media or not-for-profit organizations shall not be considered commercial purposes.³³ In the case of a request for records for commercial purposes, the body has twenty-one (21) days to file a response. The twenty-one (21) day response gives the public body four options:

- (i) To provide the requestor with an estimate of time gathering the records will take and a fee to be charged. The body may require that the entire fee be paid in full beforehand;
- (ii) To deny the request based on one of the exceptions;
- (iii) To notify the requestor that the request is unduly burdensome and offer an opportunity to reduce the request; or
- (iv) To provide the records.

³² 5 ILCS 140/2.15

³³ 5 ILCS 140/2(c)(10).

The law then allows a much more flexible "reasonable period" for a response, "considering the size and complexity of the request and giving priority to records requested for non-commercial purposes."³⁴

38. Q: How do we know whether a request is for commercial purposes or not?

A: During this twenty-one (21) day period, the public body may require the requestor to verify whether or not the request is for commercial purposes. The new amendments make it a violation of the law for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose.³⁵

39. Q: So far you have talked only about The Freedom of Information Act. Doesn't the new law affect rights and obligations under The Open Meetings Act?

A: Yes. First, the new law requires that each public body must designate employees, officers or other individuals to receive training on complying with The Open Meetings Act. Much more important is the enhanced role of the PAC in the event there is a claim that a local government is violating The Open Meetings Act. A person may file a request for review by the PAC within sixty (60) days after the claimed violation.

Once the PAC receives the request, the PAC shall determine whether there is a basis for further action. If there is such a determination made, the PAC then forwards a copy of the request to the public body along with a request for records or other documents that the public body has to furnish to facilitate the PAC review.

³⁴ 5 ILCS 140/3.1(a) and (b).

³⁵ 5 ILCS 140/3.1(c).

The most important aspect of the PAC's enhanced authority is that the PAC has the right to examine the verbatim recordings of an executive session in order to determine whether or not there has been a violation. This enhanced enforcement authority underscores the importance for local bodies to continue to fully comply with the limitations of The Open Meetings Act.³⁶

40. Q: What happens after the PAC reviews this material?

A: First, the public body has the right to file a letter response or a legal memorandum setting forth why the public body believes there has been no violation. Other information or affidavits may be provided.

The PAC then has two options. One is to attempt to resolve the matter by mediation or less formal means. The other alternative is to have the Attorney General examine the matter and issue a binding final opinion. This opinion is binding subject only to either party's right to have the matter reviewed in court.³⁷

41. Q: What happens if the Attorney General determines that there has been a violation?

A: The public body must either take necessary corrective action as soon as practical to comply with the directive of the Attorney General's opinion, or else initiate a lawsuit by filing an "administrative review" action in the local court. If the Attorney General's opinion favors the local government, the requestor has the right to appeal the matter to the courts.³⁸

³⁶ 5 ILCS 120/1.05, 3.5.

³⁷ 5 ILCS 120/3.5(e).

³⁸ 5 ILCS 120/3.5(e) and (f).

CONCLUSION

We hope this summary in a Q and A format will be of assistance to staff and officials as we move through compliance with the new amendments. One thing is clear – our two sunshine laws are trending towards a full disclosure model, where virtually every document generated by or received by a public body will be subject to disclosure. The tight time frames, restricted exceptions and costs and penalties associated with non-disclosure all indicate a deliberate legislative effort to make public records in Illinois a fully sunshine proposition.

CITY OF DARIEN

EXPENDITURE APPROVAL LIST
FOR CITY COUNCIL MEETING ON
November 2, 2009

Approval is hereby given to have the City Treasurer of Darien, Illinois pay to the officers, employees, independent contractors, vendors, and other providers of goods and services in the indicated amounts as set forth.

A summary indicating the source of funds used to pay the above is as follows:

General Fund		\$102,975.46
Water Fund		\$10,236.94
Motor Fuel Tax Fund		\$16,408.95
Water Depreciation Fund		
Darien Area Dispatch Fund		\$635.84
Capital Improvement Fund		\$34,033.07
Debt Service Fund		\$4,023.27
Drug Forfeiture Fund		
	Subtotal:	\$ 168,313.53

General Fund Payroll	10/22/2009	\$ 221,923.17
Water Fund Payroll	10/22/2009	\$ 44,264.59
D.A.D.C. Payoll	10/22/2009	\$ 24,949.18
	Subtotal:	\$ 291,136.94

Total to be Approved by City Council:	\$ 459,450.47
--	----------------------

Approvals:

Kathleen Moesle Weaver, Mayor

Joanne F. Coleman, City Clerk

Michael J. Coren, Treasurer

Bryon D. Vana, City Administrator

CITY OF DARIEN
Expenditure Journal
General Fund
Administration
From 10/20/2009 Through 11/2/2009

Vendor Name	Invoice Description	Acct Title	Dept Amount	Acct Code
AIR-RITE HEATING & COOLING	REPLACE FURNACE PARTS - 1702 PLAINFIELD ROAD	Maintenance - Building	439.00	4223
AIR-RITE HEATING & COOLING	CLEAN & CHECK HEATER - 1702 PLAINFIELD	Maintenance - Building	62.00	4223
CBS MESSENGER SERVICE, INC.	MESSENGER SERVICES TO SIKICH FOR AUDIT	Postage/Mailings	12.10	4233
DUPAGE COUNTY RECORDER	R2009 139727 - R 2009 139728	Consulting/Professional	16.00	4325
EMBASSY REFRESHMENT SERVICE	COFFEE	Supplies - Other	67.50	4257
ILLINOIS PAPER COMPANY	TONER CARTRIDGES	Supplies - Office	218.90	4253
ILLINOIS PAPER COMPANY	COPY PAPER	Supplies - Office	1,251.60	4253
NEXTEL COMMUNICATIONS	CELLULAR SERVICES	Telephone	1,572.53	4267
OFFICE DEPOT	SUPPLIES	Supplies - Office	24.07	4253
OFFICE DEPOT	SUPPLIES	Supplies - Office	70.58	4253
OFFICE DEPOT	SUPPLIES	Supplies - Office	20.14	4253
OFFICEMAX CONTRACT INC.	2010 CALENDARS FOR ADMIN & PUBLIC WORKS	Supplies - Office	96.88	4253
PEPSI COLA GEN BOT INC	SODA FOR MACHINES	Supplies - Other	152.27	4257
PITNEY BOWES, INC.	POSTAGE METER SUPPLIES	Supplies - Office	262.60	4253
POSTAGE BY PHONE RESERVE ACCT.	POSTAGE METER REFILL - ACCOUNT NUMBER 13380100	Postage/Mailings	680.00	4233
SAM'S CLUB	ANNUAL SERVICE FEE	Dues and Subscriptions	50.00	4213
SAM'S CLUB	MEMBERSHIP FEE	Dues and Subscriptions	50.00	4213
SAM'S CLUB	SUPPLIES	Supplies - Office	70.22	4253
SUBURBAN LIFE PUBLICATIONS	LEGAL #8342 - OCT. 16, 2009 TREASURER'S REPORT	Legal Notices	1,369.98	4221
Total Administration			6,486.37	

CITY OF DARIEN
 Expenditure Journal
 General Fund
 Community Development
 From 10/20/2009 Through 11/2/2009

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Acct Title</u>	<u>Dept Amount</u>	<u>Acct Code</u>
CHRISTOPHER B. BURKE ENG, LTD	ENGR SERVICES BAILEY PARK/SAWMILL CREEK	Consulting/Professional	220.00	4325
CHRISTOPHER B. BURKE ENG, LTD	ENGR SERVICES - DETENTION REVIEW CASS AVENUE REDEVELOPMENT	Consulting/Professional	220.00	4325
CHRISTOPHER B. BURKE ENG, LTD	REIMBURSABLE ENGR SERVICES - MAYADA BROOK SUBDIVISION	Const/Prof Reimbursable	440.00	4328
CHRISTOPHER B. BURKE ENG, LTD	REIMBURSABLE ENGR SERVICES - SW CORNER 67TH ST & ROUTE 83	Const/Prof Reimbursable	364.50	4328
CHRISTOPHER B. BURKE ENG, LTD	REIMBURSABLE ENGRG SERVICES - HINSDALE SOUTH ASTRO TURF	Const/Prof Reimbursable	1,186.25	4328
CHRISTOPHER B. BURKE ENG, LTD	REIMBURSABLE ENGR SERVICES - SLEEP ACADEMY TRAFFIC STUDY	Const/Prof Reimbursable	535.00	4328
POSTAGE BY PHONE RESERVE ACCT.	POSTAGE METER REFILL - ACCOUNT NUMBER 13380100	Postage/Mailings	220.00	4233
		Total Community Development	3,185.75	

CITY OF DARIEN
Expenditure Journal
General Fund
Public Works, Streets
From 10/20/2009 Through 11/2/2009

Vendor Name	Invoice Description	Acct Title	Dept Amount	Acct Code
A AND B WILDLIFE	TRAP BEAVERS	Supplies - Other	1,495.00	4257
AIR-RITE HEATING & COOLING	CLEAN & REPAIR HEATERS - 1041 S. FRONTAGE ROAD	Maintenance - Building	441.55	4223
ALLIED MUNICIPAL SUPPLY	STREET SIGNS FOR DUPAGE COUNTY INTERSECTIONS	Supplies - Other	53.98	4257
ALLIED MUNICIPAL SUPPLY	FARMINGDALE DRIVE STREET SIGN	Supplies - Other	93.22	4257
BEARY LANDSCAPING	SOD REAR YARD PROJECT AT 9 - 77TH STREET	Drainage Projects	590.50	4374
CENTRAL SOD FARMS	SOD FOR PARKWAYS	Supplies - Other	93.00	4257
CENTRAL SOD FARMS	SOD FOR GOLD GROVE REAR YARD	Drainage Projects	20.00	4374
COM ED	STREET LIGHTS	Street Light Oper & Maint.	9.12	4359
COM ED	STREET LIGHTS	Street Light Oper & Maint.	3,059.34	4359
CULLIGAN	BOTTLED WATER	Maintenance - Building	80.07	4223
FIRE & SECURITY SYSTEMS, INC.	FIRE ALARM SERVICE - 1041 S. FRONTAGE ROAD	Maintenance - Building	60.00	4223
GRAINGER	CABLE TIES	Supplies - Other	20.28	4257
HAGEMEYER	BOOTS	Uniforms	74.99	4269
ILLINOIS PAPER COMPANY	COPY PAPER	Supplies - Office	625.80	4253
INTRNTL.SOCIETY ARBORICULTURE	2010 ARBORIST CERTIFICATION DUES - JOHN CARR	Training and Education	245.00	4263
KIEFT BROS., INC.	RUBBER GASKETS	Supplies - Other	45.50	4257
KIEFT BROS., INC.	12-IN CMP - 7117 ELEANOR	Supplies - Other	155.40	4257
KIEFT BROS., INC.	BEEHIVE GRATE	Supplies - Other	220.00	4257
KIEFT BROS., INC.	6-IN SOCK, GRATES (HOLLY REAR YARD) CATCH BASIN & 6-IN EXTEN	Drainage Projects	1,020.00	4374

CITY OF DARIEN
Expenditure Journal
General Fund
Public Works, Streets
From 10/20/2009 Through 11/2/2009

Vendor Name	Invoice Description	Acct Title	Dept Amount	Acct Code
LAWSON PRODUCTS INCORPORATED	SUPPLIES	Supplies - Other	501.66	4257
LAWSON PRODUCTS INCORPORATED	SUPPLIES	Supplies - Other	443.64	4257
MID-TOWN PETROLEUM, INC.	15W40 OIL	Vehicle (Gas and Oil)	372.98	4273
NICOR GAS	UTILITIES 1041 S. FRONTAGE	Utilities (Elec,Gas,Wtr,Sewer)	128.73	4271
OFFICE DEPOT	SUPPLIES	Supplies - Office	41.61	4253
PATTEN INDUSTRIES, INC.	GLASS FOR #205	Maintenance - Equipment	210.53	4225
POSTAGE BY PHONE RESERVE ACCT.	POSTAGE METER REFILL - ACCOUNT NUMBER 13380100	Postage/Mailings	340.00	4233
RAINBOW FARMS ENTERPRISES	TUB GRINDER	Rent - Equipment	2,300.00	4243
RED WING SHOES	UNIFORMS & BOOTS	Liability Insurance	140.24	4219
RED WING SHOES	UNIFORMS & BOOTS	Uniforms	611.37	4269
RENDEL'S, INC.	REPAIR PARTS FOR #404	Maintenance - Vehicles	154.04	4229
TRAFFIC CONTROL AND PROTECTION	NO PARKING SIGNS	Supplies - Other	217.60	4257
WEST SUBURBAN BANK	EQUIPMENT LOAN 9300205474 PAYMENT 2 OF 4	Equipment	59,132.00	4815
Total Public Works, Streets			72,997.15	

CITY OF DARIEN
Expenditure Journal
General Fund
Police Department
From 10/20/2009 Through 11/2/2009

Vendor Name	Invoice Description	Acct Title	Dept Amount	Acct Code
A MARK OF EXCELLENCE PAINTING	REPAIR DRYWALL TAPE SEAMS POLICE DEPARTMENT ENTRANCE	Maintenance - Building	365.00	4223
A MARK OF EXCELLENCE PAINTING	POLICE DEPARTMENT ROOF PAINTING	Maintenance - Building	8,160.00	4223
B C AUTO AND TOWING	CASE 09-122 - 1997 CHEVROLET BLAZER	Investigation and Equipment	125.00	4217
BROWNELLS, INC.	RANGE	Investigation and Equipment	100.49	4217
BROWNELLS, INC.	UNIFORM ALLOWANCE - FOSTER	Uniforms	83.62	4269
CMI, INC.	MOUTHPIECES FOR BREATHALYZER	Investigation and Equipment	95.57	4217
CREATIVE PRODUCTING SOURCING	DARE SPANISH WORKBOOKS	Public Relations	14.95	4239
DCPCSA	2010 SUBURBAN LEAP MEMBERSHIP DUES - CAROL KOPTA	Dues and Subscriptions	30.00	4213
DESANTIS	UNIFORM ALLOWANCE - BORSILLI	Uniforms	31.61	4269
GLOBAL PROCUREMENT SERVICES	CROSSING GUARD STOP SIGN REPAIRS	Maintenance - Equipment	45.26	4225
HARRY'S SWEAT SHOP	CLOTHING ALLOWANCE - PAVELCHIK	Uniforms	32.60	4269
IL POLICE WORK DOG ASSOC	ILPWDA SEMINAR STEVE LISS & K9QUANTO & RICH STUTTE & K9ROLF	Training and Education	330.00	4263
IL STATE TOLL HWY. AUTHORITY	TOLLS	Vehicle (Gas and Oil)	23.90	4273
ILLINOIS PAPER COMPANY	COPY PAPER	Supplies - Office	1,251.60	4253
ILLINOIS SECRETARY OF STATE	TITLE CASE #09-398 - 2002 CADILLAC ETC VIN1G6EC12972B106115	Investigation and Equipment	65.00	4217
JASON NORTON	UNIFORM ALLOWANCE	Uniforms	29.98	4269

CITY OF DARIEN
Expenditure Journal
General Fund
Police Department
From 10/20/2009 Through 11/2/2009

Vendor Name	Invoice Description	Acct Title	Dept Amount	Acct Code
JASON SKIBA	BROTHER LX-900 LAMINATOR & LAMINATOR ROLLS -REPLACEMENT UNIT	Supplies - Office	200.00	4253
JUST TIRES	TIRES	Maintenance - Vehicles	478.00	4229
JUST TIRES	TIRES FOR SQUADS	Maintenance - Vehicles	1,572.52	4229
JUST TIRES	CREDIT - TIRES	Maintenance - Vehicles	(8.18)	4229
JUST TIRES	TIRES	Maintenance - Vehicles	68.41	4229
KAESER BLAIR INCORPORATED	POLICE CAR EMERGENCY 9-1-1 MAGNETS	Public Relations	375.46	4239
KAESER BLAIR INCORPORATED	P.D. PENCILS	Public Relations	286.70	4239
KAESER BLAIR INCORPORATED	HALLOWEEN BAGS FOR LIONS CLUB	Public Relations	582.71	4239
KALE UNIFORMS	UNIFORM ALLOWANCE - LISS	Uniforms	61.99	4269
KALE UNIFORMS	UNIFORM ALLOWANCE - GROSS	Uniforms	69.99	4269
LANCASTER CONSULTING	PORTABLE RADIO BATTERIES	Investigation and Equipment	63.90	4217
LANDS END CORPORATE SALES	UNIFORM ALLOWANCE - KOPTA	Uniforms	60.90	4269
LUND INDUSTRIES, INC.	REPLACE ARMREST PADS ON CENTER CONSOLES OF SQUADS	Maintenance - Equipment	253.55	4225
MASTER-BREW	COFFEE	Travel/Meetings	35.95	4265
MASTER-BREW	COFFEE & SUPPLIES	Travel/Meetings	109.85	4265
MIDWEST AUTO BODY	REPLACE TAIL LIGHTS - D27	Maintenance - Vehicles	60.00	4229
MOORE MEDICAL	SURGICAL MASKS	Liability Insurance	68.07	4219
NATIONAL SAFETY COUNCIL	2010 FIRST SUBSCRIPTION RENEWAL	Public Relations	100.00	4239

CITY OF DARIEN
Expenditure Journal
General Fund
Police Department
From 10/20/2009 Through 11/2/2009

Vendor Name	Invoice Description	Acct Title	Dept Amount	Acct Code
NORTHEAST MULTIREGIONAL TRNG	SUBURBAN LAW ENFORCEMENT ACADEMY - BRETTE GLOMB	Training and Education	150.00	4263
NORTHEAST MULTIREGIONAL TRNG	ARREST SEARCH & SEIZURE UPDATE GREGORY CHEAURE & JAMES TOPEL	Training and Education	50.00	4263
OCE' IMAGISTICS INC.	COPIER SERVICE AGREEMENT JULY 1, 2009 - SEPTEMBER 30, 2009	Maintenance - Equipment	131.40	4225
POSTAGE BY PHONE RESERVE ACCT.	POSTAGE METER REFILL - ACCOUNT NUMBER 13380100	Postage/Mailings	740.00	4233
ROOFTECH SYSTEMS	INSTALL SNO-BARRICADE ON POLICE DEPARTMENT ROOF	Maintenance - Building	1,950.00	4223
SAM'S CLUB	MEMBERSHIP FEE	Dues and Subscriptions	45.00	4213
SAM'S CLUB	SUPPLIES	Investigation and Equipment	10.36	4217
SAM'S CLUB	SUPPLIES	Public Relations	33.68	4239
SAM'S CLUB	SUPPLIES	Public Relations	9.32	4239
SAM'S CLUB	SUPPLIES	Supplies - Office	22.24	4253
SAM'S CLUB	SUPPLIES	Travel/Meetings	43.74	4265
SAM'S CLUB	SUPPLIES	Travel/Meetings	10.86	4265
SAM'S CLUB	SUPPLIES	Travel/Meetings	20.31	4265
SHELL	GASOLINE	Vehicle (Gas and Oil)	265.21	4273
STEVEN J. REED	O.A.F.	Investigation and Equipment	200.00	4217
TEE'S PLUS	DARE PENCILS	Public Relations	69.12	4239
TEE'S PLUS	DARE ITEMS	Public Relations	363.45	4239
TOM & JERRY TIRE AND SERVICE	CASE #09-398 - 2002 CADILLAC	Investigation and Equipment	125.00	4217
UNIQUE PRODUCTS & SERVICE CORP	JANITORIAL SUPPLIES	Maintenance - Building	300.76	4223
UNIQUE PRODUCTS & SERVICE CORP	JANITORIAL SUPPLIES	Maintenance - Building	130.00	4223

CITY OF DARIEN
Expenditure Journal
General Fund
Police Department
From 10/20/2009 Through 11/2/2009

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Acct Title</u>	<u>Dept Amount</u>	<u>Acct Code</u>
US TRAINING CENTER INC.	RANGE TRAINING	Training and Education	75.00	4263
WILLOWBROOK FORD, INC.	SQUAD 3 HEADLIGHT PIECE	Maintenance - Vehicles	5.12	4229
		Total Police Department	19,974.97	

CITY OF DARIEN
Expenditure Journal
General Fund
Business District
From 10/20/2009 Through 11/2/2009

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Acct Title</u>	<u>Dept Amount</u>	<u>Acct Code</u>
ALLIED WASTE SERVICES #551	REFUSE REMOVAL 11/01/09 - 11/30/09 - 7515 S. CASS, UNIT D	Maintenance - Laundromat ...	81.22	4230
SPRING-GREEN	ROUND UP WEED CONTROL - 7501 CASS (SHELL)	Maintenance - Grounds	99.00	4227
SPRING-GREEN	ROUND UP WEED CONTROL 7533 CASS (BP)	Maintenance - Grounds	151.00	4227
		Total Business District	331.22	
		Total General Fund	102,975.46	

CITY OF DARIEN
Expenditure Journal
Water Fund
Public Works, Water
From 10/20/2009 Through 11/2/2009

Vendor Name	Invoice Description	Acct Title	Dept Amount	Acct Code
AIR-RITE HEATING & COOLING	CLEAN & REPAIR HEATERS - 1041 S. FRONTAGE ROAD	Maintenance - Building	441.55	4223
AIR-RITE HEATING & COOLING	CLEAN AND CHECK HEATERS - 1220 PLAINFIELD ROAD PLANT #2	Maintenance - Building	372.00	4223
AIR-RITE HEATING & COOLING	CHECK & CLEAN HEATER - 6709 WILMETTE	Maintenance - Building	124.00	4223
AUTOMATIC CONTROL SERVICES	INSTALLATION OF UPGRADED SCADA TELEPHONE LINES	Maintenance - Water System	1,440.00	4231
AWP CUSTOM UNIFORMS	UNIFORMS	Uniforms	96.00	4269
CENTRAL SOD FARMS	SOD FOR PARKWAY REPAIRS (MAIN BREAKS)	Maintenance - Water System	69.75	4231
CENTRAL SOD FARMS	PARKWAY REPAIRS - MAIN BREAKS	Maintenance - Water System	139.50	4231
CHRISTOPHER B. BURKE ENG, LTD	PROFESSIONAL SERVICES - ORNAMENTAL FENCE PLANTS 3 & 4	Equipment	254.50	4815
COM ED	UTILITIES - 2103 75TH STREET PUMP	Utilities (Elec,Gas,Wtr,Sewer)	340.49	4271
COM ED	UTILITIES - PLAINFIELD & MANNING	Utilities (Elec,Gas,Wtr,Sewer)	35.73	4271
CULLIGAN	BOTTLED WATER	Maintenance - Building	80.08	4223
EXELON ENERGY INC.	UTILITIES 1220 PLAINFIELD ROAD, DARIEN	Utilities (Elec,Gas,Wtr,Sewer)	1,704.05	4271
EXELON ENERGY INC.	UTILITIES 87TH & RIDGE, DARIEN	Utilities (Elec,Gas,Wtr,Sewer)	96.61	4271
EXELON ENERGY INC.	UTILITIES LAKEVIEW & OAKLEY, DARIEN	Utilities (Elec,Gas,Wtr,Sewer)	236.44	4271

CITY OF DARIEN
Expenditure Journal
Water Fund
Public Works, Water
From 10/20/2009 Through 11/2/2009

Vendor Name	Invoice Description	Acct Title	Dept Amount	Acct Code
EXELON ENERGY INC.	UTILITIES - 18W736 MANNING, DARIEN	Utilities (Elec,Gas,Wtr,Sewer)	261.39	4271
EXELON ENERGY INC.	UTILITIES 9S720 LEMONT, DARIEN	Utilities (Elec,Gas,Wtr,Sewer)	84.22	4271
HD SUPPLY WATERWORKS	CLAMP	Maintenance - Water System	83.60	4231
HD SUPPLY WATERWORKS	B-BOXES	Maintenance - Water System	328.44	4231
INDUSTRIAL ELECTRICAL SUPPLY	LIGHTS	Maintenance - Building	58.00	4223
METROPOLITAN INDUSTRIES, INC.	EMERGENCY REPAIR OF BOOSTER PUMP AT PLANT #2	Maintenance - Water System	1,282.00	4231
NEXTEL COMMUNICATIONS	CELLULAR SERVICES	Telephone	294.86	4267
NICOR GAS	UTILITIES 8600 LEMONT, DARIEN	Utilities (Elec,Gas,Wtr,Sewer)	91.89	4271
NICOR GAS	UTILITIES - 1930 MANNING, DOWNERS GROVE	Utilities (Elec,Gas,Wtr,Sewer)	103.64	4271
NICOR GAS	UTILITIES 1041 S. FRONTAGE	Utilities (Elec,Gas,Wtr,Sewer)	128.73	4271
NICOR GAS	UTILITIES 1897 MANNING, DARIEN	Utilities (Elec,Gas,Wtr,Sewer)	44.89	4271
POSTAGE BY PHONE RESERVE ACCT.	POSTAGE METER REFILL - ACCOUNT NUMBER 13380100	Postage/Mailings	20.00	4233
QUARRY MATERIALS	HOT PATCH	Maintenance - Water System	998.58	4231
ROTATING EQUIPMENT SPECIALISTS	ALIGNMENT OF PUMP #2	Maintenance - Water System	490.00	4231
SPRING-GREEN	FERTILIZER FOR CITY OWNED FACILITIES	Maintenance - Building	536.00	4223
		Total Public Works, Water	10,236.94	
		Total Water Fund	10,236.94	

CITY OF DARIEN
Expenditure Journal
Motor Fuel Tax
MFT Expenses
From 10/20/2009 Through 11/2/2009

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Acct Title</u>	<u>Dept Amount</u>	<u>Acct Code</u>
ED SIEBERT TRUCKING SERVICE	3/4-IN STONE	Road Material	334.03	4245
K-FIVE CONSTRUCTION	HOT PATCH	Road Material	708.34	4245
NORTH AMERICAN SALT CO.	SALT	Salt	15,218.08	4249
VULCAN CONSTRUCTION MATERIALS	RIP RAP	Road Material	<u>148.50</u>	4245
		Total MFT Expenses	<u>16,408.95</u>	
		Total Motor Fuel Tax	16,408.95	

CITY OF DARIEN
Expenditure Journal
Darien Area Dispatch Center
Darien Area Dispatch
From 10/20/2009 Through 11/2/2009

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Acct Title</u>	<u>Dept Amount</u>	<u>Acct Code</u>
COMMUNICATION REVOLVING FUND	SEPTEMBER, 2009 LEADS CHARGES	Data Processing	503.15	4336
NEXTEL COMMUNICATIONS	CELLULAR SERVICES	Telephone	98.29	4267
SAM'S CLUB	MEMBERSHIP FEE	Dues and Subscriptions	15.00	4213
SAM'S CLUB	SUPPLIES	Supplies - Office	19.40	4253
		Total Darien Area Dispatch	635.84	
		Total Darien Area Dispatch Center	635.84	

CITY OF DARIEN
Expenditure Journal
Capital Improvement Fund
Public Works, Streets
From 10/20/2009 Through 11/2/2009

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Acct Title</u>	<u>Dept Amount</u>	<u>Acct Code</u>
BEARY LANDSCAPING	SOD FOR PROJECT H LINDEN	Ditch Projects	18,550.00	4376
CENTRAL SOD FARMS	SOD FOR GOLD GROVE REAR YARD	Ditch Projects	11.00	4376
CHRISTOPHER B. BURKE ENG, LTD	PROFESSIONAL SERVICES - WALNUT DRIVE PROJECT	Street Reconstruction/Rehab	9,586.09	4855
ED SIEBERT TRUCKING SERVICE	TRUCK RENTAL FEE FOR DITCH PROJECTS	Ditch Projects	3,740.00	4376
HOMER TREE CARE, INC.	STUMP REMOVAL AT 7614 LINDEN PROJECT H	Ditch Projects	40.00	4376
KIEFT BROS., INC.	15-IN CMP FOR PROJECTS A LEONARD & Y WESTERN	Ditch Projects	401.39	4376
KIEFT BROS., INC.	15-IN CMP FOR PROJECTS A LEONARD & Y WESTERN	Ditch Projects	401.39	4376
SUBURBAN CONCRETE, INC.	CONCRETE REPLACEMENT PROGRAM	Drainage Projects	74.60	4374
SUBURBAN CONCRETE, INC.	CONCRETE REPLACEMENT PROGRAM	Ditch Projects	1,228.60	4376
		Total Public Works, Streets	34,033.07	
		Total Capital Improvement Fund	34,033.07	

CITY OF DARIEN
 Expenditure Journal
 Debt Service Fund
 Public Works, Streets
 From 10/20/2009 Through 11/2/2009

Vendor Name	Invoice Description	Acct Title	Dept Amount	Acct Code
MARE CHIARO	RESIDENT REIMBURSEMENT CRACKFILL MATERIAL REMOVAL	Crack Seal Program	79.95	4382
MARY BELMONTE	RESIDENT REIMBURSEMENT CRACKFILL MATERIAL REMOVAL	Crack Seal Program	75.00	4382
NIRANJAN PATEL	SIDEWALK REPLACEMENT CITY HAD MARKED - USED OWN CONTRACTOR	Sidewalk Replacement Prog...	313.32	4380
NORTH SUBURBAN ASPHALT MAINT	BALANCE DUE ON INVOICE 6005 MINUS \$219.95 RESIDENT REIMBURSE	Crack Seal Program	1,470.05	4382
ROERT LYCZKOWSKI	RESIDENT REMOVAL OF CRACKFILL MATERIAL	Crack Seal Program	65.00	4382
SUBURBAN CONCRETE, INC.	CONCRETE REPLACEMENT PROGRAM	Sidewalk Replacement Prog...	578.95	4380
SUBURBAN CONCRETE, INC.	CONCRETE REPLACEMENT PROGRAM	Curb & Gutter Replacement ...	1,441.00	4383
		Total Public Works, Streets	4,023.27	
		Total Debt Service Fund	4,023.27	
Report Total			168,313.53	

AGENDA MEMO

City Council

November 2, 2009

Issue Statement

Approval of a resolution accepting a proposal from Water Services Company in an amount not to exceed \$9,418.50 for the 2009 Water System Leak Survey.

RESOLUTION

Background/History

The FY 10 Budget includes \$14,500.00 for the 2009 Water System Leak Survey. The City received 3 proposals for this work. The proposal from Associated Technical Services (ATS) includes a flat fee to conduct a leak survey and an option that provides them with a base fee and additional compensation for each leak they find. The proposals from Water Services Company and M.E. Simpson Company are flat fees and not based on the amount of leaks detected. The leak survey consists of surveying 473,616 lineal feet (89 lineal miles) of water main, 1383 fire hydrants, 451 mainline valves in water valve boxes and 741 mainline valves in water vaults. This cost does include the company coming back after the repairs are completed to re-check the repairs for leaks.

The three proposals for the 2009 Leak Survey Program are as follows:

<u>VENDOR</u>	<u>QUOTE</u>
Option A-Associated Technical Services	\$9,472.52
Option B-Associated Technical Services	
Base fee	\$9,472.52-base fee-Phase 1
Main Line/Service Pinpointing	\$ 250.00 per leak- Phase 2
Fire Hydrant/Valve	\$ 95.00 per leak- Phase 2
M.E. Simpson Company	\$13,650.00
Water Services Company	\$ 9,418.50

Funding for the Water Leak Maintenance Program would be expended from the following line item of the FY 10 Budget:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 10 BUDGET	YEAR TO DATE EXPENDED	PROPOSED EXPENDITURE	PROPOSED BALANCE
02-50-4326	LEAK DETECTION	\$ 14,500.00	0	\$ 9,418.50	\$ 5,081.50

Water Services Company has provided satisfactory services to the City of Darien in 2008.

As you may be aware, the Public Works Water Department also conducts periodic leak surveys with our own equipment. However, our equipment and experience in locating leaks does not match the capabilities of Water

Services Company and the other companies that provided proposals. Conducting a periodic leak survey from an outside company is an important part of our water system maintenance. The City pays the DuPage Water Commission for all water that goes through the Commission's meter. Therefore, if we reduce the system leaks we can reduce our expense to the Commission. Attached, please find a [water loss chart](#) for various leaks.

-
Staff/Committee Recommendation

Staff recommends approval of a resolution accepting a proposal from Water Services in an amount not to exceed \$9,418.50 for the 2009 Water System Leak Survey.

-
Alternate Consideration

Not approving this proposal.

Decision Mode

This item will be on the November 2, 2009 City Council agenda for formal consideration.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A PROPOSAL FROM WATER SERVICES COMPANY, IN AN AMOUNT NOT TO EXCEED \$9,418.50 (WATER SYSTEM-LEAK DETECTION SURVEY)

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 Professional Services between the City of Darien and Water Services Company, relating to a City wide water leak survey, in an amount not to exceed \$9,418.50 for the City of Darien Water System, 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 2nd day of November, 2009.

AYES: _____

NAYS: _____

ABSENT: _____

-
APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 2nd day of November, 2009.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE F. COLEMAN, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



CITY OF DARIEN

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

CITY OF DARIEN 2009 WATER LEAK SURVEY PROGRAM

To Whom It May Concern:

The City of Darien is currently seeking quotes for the 2009 Leak Survey Program. The survey will incorporate the following items:

- 473,616 Lineal Feet of Various Water Main
- 1,383 Fire Hydrants with Valves
- 451 Mainline Valves in Boxes
- 741 Main Line Valves

The 2009 Leak Survey Program will be scheduled for commencement on November 9, 2009 and will be completed by January 11, 2010. Upon completion of the survey program a detailed report shall be submitted to Ashley Prueter, Municipal Services Department.


Please complete the following information:

COMPANY NAME: Water Services Company

ADDRESS: 848 Olive street

TELEPHONE: 847-697-6623 FAX: 847-697-6755

E-MAIL ADDRESS: Anthony@waterservicescompany.com

AUTHORIZED SIGNATURE: 

WE HEREBY SUBMIT THE FOLLOWING QUOTE FO THE 2009 LEAK SURVEY PROGRAM IN THE AMOUNT OF \$ 9,418.50

Quotes may be sent via facsimile to (630) 852-4709, Attn: Ashley by no later than October 14, 2009, 12:00 p.m., followed by a mailed original. Should you have any other questions regarding the project, please contact the Municipal Services Department at (630) 353-8105.

AGENDA MEMO

City Council

November 2, 2009

Issue Statement

- Approval of a Resolution authorizing the Mayor and City Clerk to execute an Intergovernmental Agreement with Center Cass School District #66 for the reimbursement of Rock Salt through the City's 2009 Rock Salt Agreement with North American Salt Company.

RESOLUTION

Background/History

- The [Intergovernmental Agreement](#) with Center Cass School District #66 authorizes the City of Darien to provide rock salt to Center Cass School District #66 for their deicing operations. The School District does not have facilities to accommodate rock salt in bulk and will realize a savings by utilizing the City's bulk pricing and storage facility. The City has secured pricing with North American Salt Company through the joint bid purchasing entertained by the Illinois Department of Transportation Central Management Services.

The School District has estimated that they will require approximately 5 tons for the winter season. The City of Darien would be reimbursed by the School District at a unit cost of \$74.87 per ton for a total amount of approximately \$374.35 pending final quantities. The proposed salt quantities will not have any impact to the City's contract with the supplier. The Center Cass School District Board will entertain the Intergovernmental Agreement at their November 10, 2009 meeting.

Staff Recommendation

- Staff recommends signing the Intergovernmental Agreement.

Alternate Consideration

- Not approving the Resolution.

Decision Mode

- This item will be placed on the November 2, 2009 City Council agenda for formal consideration.

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF DARIEN AND CENTER
CASS SCHOOL DISTRICT #66
FOR ROCK SALT**

WHEREAS, under the Constitution and Statues of the State of Illinois, a municipality is authorized to participate in intergovernmental cooperation; and

WHEREAS, an Intergovernmental Agreement has been prepared between the City of Darien and Center Cass School District #66 concerning the purchase of rock salt, a copy of which is attached hereto as “[Exhibit A](#),” and is incorporated herein; and

WHEREAS, The Corporate Authorities, for record keeping, desire to authorize the execution of the Intergovernmental Agreement by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DUPAGE COUNTY, as follows:

SECTION 1: That the Mayor and City Clerk are hereby authorized to execute an Intergovernmental Agreement for the purchase of rock salt through the City’s 2009 awarded rock salt vendor North American Salt Company, subject to the Center Cass School District #66 Intergovernmental Agreement paying for the final quantities.

The obligations of the City of Darien shall be limited to those specifically stated within the terms of the Intergovernmental Agreement.

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, DUPAGE COUNTY,
ILLINOIS, this 2nd day of November, 2009.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR FOR THE CITY OF DARIEN, DUPAGE COUNTY,

ILLINOIS, this 2nd day of November, 2009.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE F. COLEMAN, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF DARIEN AND CENTER CASS SCHOOL DISTRICT #66
FOR THE PURCHASE OF ROAD SALT**

This agreement is made and entered into this 2nd day of November, 2009, by and between the City of Darien, an Illinois municipal corporation (hereinafter the “City”), and Center Cass School District #66, an Illinois municipal corporation, (hereinafter the “School District”) (collectively “the parties”).

WHEREAS, the corporate authorities of the parties possess authority to enter into this intergovernmental agreement pursuant to Article VII, Section 10 of the 1970 Constitution of the State of Illinois and pursuant to the provisions of the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*;

WHEREAS, the City had been awarded a contract with contractor, North American Salt Company (the “Contractor”) concerning the purchase of rock salt, a copy of which is attached hereto as [Exhibit A](#);

WHEREAS, the City desires to assist the School District by allowing the School District to purchase rock salt from the Public Works facility for an estimated cost of \$374.35 pending final quantities;

WHEREAS, the parties desire to commit their agreements and understandings to writing;

NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement, the parties hereto agree, as follows:

1. The recitals set forth above are hereby incorporated into and made a part of this Agreement.
2. The District authorizes the City to provide rock salt to the District for de-icing operations.
3. The District shall reimburse the City for the rock salt charges by April 30, 2010 as invoiced by the City.
4. All notices, requests and other communications under this Agreement shall be in writing and shall be deemed properly served upon delivery by hand to the party to whom it is addressed, or upon receipt, if sent, postage pre-paid by United States registered or certified mail, return receipt requested, as follows:

- a. If intended for the City:

City of Darien
1702 Plainfield Road
Darien, Illinois 60561
Attn: Bryon Vana

b. If intended for the Park District:
Center Cass School District #66
699 Plainfield Road
Downers Grove, Illinois 60516
Attn: Jay Tiede

5. The validity, meaning, and effect of this Agreement shall be determined in accordance with the laws of the State of Illinois applicable to intergovernmental agreements made and contracts made and to be formed in Illinois.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their respective corporate names, by the authorized signatures of their respective officers and by their respective corporate seals affixed and attached hereto by their respective officers having custody thereof on this 2nd day of November, 2009.

CITY OF DARIEN

BY: _____
Kathleen Weaver, Mayor

ATTEST: _____
City Clerk

CENTER CASS SCHOOL DISTRICT #66

BY: _____
Jay Tiede, Superintendent District #66

ATTEST: _____
Secretary, School District



ILLINOIS

JOINT PURCHASING REQUISITION

PLEASE R] Exhibit A

Illinois Department of
Central Management Services
801 Wm. G. Stratton Building
401 S. Spring Street
Springfield, IL 62706
Fax: (217) 782-5187

Joint Purchasing #: 21310-1200
Government Unit: City of Darien
Mailing Address: 1702 Plainfield Rd
City / State / Zip: Darien IL 60561
County: DuPage
Contact Person: Daniel J. Salvato
Telephone Number: 630-353-8105
Fax Number: 630-887-0091
Contact Email: dsalvato@darien.il.us

Date: 2/18/2009

Delivery Point
<- Please provide Email Address

ITEM DESCRIPTION	QUANTITY	UNIT MEASURE	AMOUNT BUDGETED
AASHTO M143 Road Salt or Equivalent	(Total Tonnage)	(22 - 25 Ton-Truck)	(Local Governmental Use Only)
Rock Salt, Bulk	<u>2,500</u>	<u>Tons</u>	<u>\$300,000.00</u>
<u>Nor Amer - 1 #100</u>		<u>74.87</u>	

Please note your Purchase Commitment Percentage for total tonnage quantity stated above (choose one):

- OPTION 1 80% minimum purchase requirement/120% maximum purchase requirement
OPTION 2 100% minimum purchase requirement/120% maximum purchase requirement

CMS requests your response to potential Contract Renewal for 2009 - 2010 season with current vendor(s) Please note your Governmental Unit's response. We cannot confirm such action at this time and will communicate relevant details of any such agreement prior to contracting your new requirements.

Interest in Contract Renewal with current season vendor(s)? Yes No (Not a final commitment)

J.P. Unit's

Comments: Not at the current pricing of 116⁰⁰

I certify that funds are available for the purchase of the items on this Requisition and that such items are for the sole use of this government unit and not for the personal use of any official or individual.

In addition, I agree to abide by the Joint Purchasing Procedure established by the Department of Central Management Services.

SIGNATURE OF AUTHORIZED OFFICIAL OR AGENT

Printed on Recycled Paper

Director of Municipal Services
TITLE



August 1, 2009

Dear Joint Purchasing Participant:

Subject: 2009-2010 Rock Salt, Bulk Contract Information

In completing the 2009 – 2010 Rock Salt season contract re-procurement, the State of Illinois did not encounter the types of supply-related issues experienced in the 2008 – 2009 season. We have made every effort to secure Road Salt at the best available price for participants in our contract re-procurement, and can gladly report that all locations across the State were able to have their supply needs met through the State's procurement efforts.

We do recommend that participating agencies and governmental entities examine their application rates and roadway priorities in order to minimize next season's cost while also ensuring the safety of the public.

Enclosed is a copy of the requisition you submitted to us for the purchase of rock salt. The information from the requisition can be used to submit your requirements to this year's contract renewal vendor:

Contract: PSD 4015382-01	Revised Term: August 2009 - June 2010
North American Salt Company	FEIN Number: 48-1047632
9900 West 109-th Street	
Overland Park, KS 66210	
Phone (800) 323-1641 or (913) 344-9301	
Contact Name: Patrick Heenan	

Line No: __ 166 Contract **Renewal Price** per ton, F.O.B. destination, is \$. **74.87**
Emergency pickup of salt option at vendor's warehouse is not made available under this contract.

The additional price per ton to have rock salt delivered in trucks equipped with coal/grain chute openings in the tailgate to permit controlled off-loading of rock salt onto conveyors is **\$5.50** per ton.

You are responsible for issuing your own purchase order document to the vendor. Orders may be placed with the vendor via telephone, with a written or fax confirmation to follow immediately. *You are strongly encouraged to order early and to store as much salt as possible in order to help prevent potential salt shortages this winter.* Also, you need to make every effort to place orders in full truckload lots (22-25 tons).



Your governmental unit is responsible for ensuring that the 70% guaranteed purchase requirement is met before **contract ending of June 30, 2010**. Vendor is required to furnish not less than 130% (if required) of the requisitioned need by March 1, 2010. Your governmental unit is responsible for processing of vendor invoices in a timely manner.

Delivery shall be made as soon as possible after vendor receipt of order by phone or mail. The maximum time from receipt of order to the actual delivery for orders placed between November 1, 2009 through April 1, 2010 shall not exceed seven calendar days, unless as modified in the Order Guidelines herein..

For orders placed between November 1, 2009 and April 1, 2010, if the vendor is unable to make delivery within the order timeline, local governmental units shall have the right to retain \$.20 per ton per calendar day as liquidated damages on the undelivered portion of the order. For an order placed prior to 9:00 a.m. on a given day, that day would be considered as the first calendar day of the seven-day delivery period. For order placed after 9:00 a.m. on a given day, the following day would be considered as the first calendar day of the seven day delivery period.

CMS reserves the right to mitigate application of liquidated damages imposed against vendor, in the event of orders exceeding the maximum percentages outlined below:

An agency may order up to 20-% of their awarded contract tonnage in any given week and vendor shall deliver within 7 calendar days after receipt of order. Quantity ordered above the 20-% threshold shall have an extended deliver time of one-calendar-day for each one-percentage-point above the 20-% guideline. For example, if an agency orders 25-% of their awarded total 100 ton, delivery of the first 20 ton (20-%) shall be within 7 calendar days after receipt of order, the remaining 5 ton shall be delivered within 12 days after receipt of order.

If after seven calendar days of liquidated damages assessment, the vendor has still failed to deliver, local governmental units shall have the right to terminate the order and purchase salt or abrasives from another source or take action consistent with public safety as needed to continue daily business. Any and all additional costs may be collected from the original vendor, in addition to any liquidated damages.

All deliveries shall be covered with approved weatherproof materials. The vendor will ensure that the delivery person inspects the inside of the trailer and that all salt is removed from the trailer before leaving a delivery point. The vendor will ensure all weights and measures shown on delivery tickets are correct. Local governmental units reserve the right to require that delivery trucks occasionally be directed to a scale in the vicinity of the delivery point as a check on delivered truckloads.



Deliveries of rock salt containing any foreign material such as mud, rocks, grader teeth, wood, tarpaulins, etc., may be rejected at the delivery site. In the event that any foreign material is discovered in dumped deliveries, the salt and foreign matter may be reloaded onto the cartage hauler's truck by the local governmental unit and returned for credit, or the vendor shall immediately ship a specification compliant load of replacement salt, or issue a refund to the governmental unit consistent with the contract price.

In December 2009, the contract vendor shall have in place stockpile(s) located in or near Illinois covering 100% of the tonnage awarded for the northern regions of the State, and in January of 2010 the contract vendor shall have in place stockpile(s) located in or near Illinois covering 100% of the total tonnage awarded for all regions of the State. At our discretion, we will inspect the stockpiles to ensure that these stockpiles are in sufficient quantities, and that the commitments to the stockpiles are with the users of this contract.

The contract price shall remain firm for the entire contract period for up to the 130 % guaranteed limit, unless otherwise changed by mutual agreement. The contract price for purchases made in excess of the 130% guaranteed limit is subject to increase if vendor's costs for providing rock salt increase by more than 5%. The contract vendor must submit to CMS documentation justifying the increase for acceptance for implementation.

Unless an emergency exists, those local governmental units under the 130% purchase threshold will receive salt deliveries prior to those local governmental units over the 130% purchase threshold. In the case of an emergency, efforts will be made to have the vendor ship enough salt to aid affected local governmental units through the emergency.

The Department of Central Management Services requested pricing for an enhanced rock salt option in the invitation for bid and an Enhanced Rock Salt 2009 – 2010 availability is not provided for in this season's procurement process by this vendor.

You are under contractual obligation to purchase 70-% of the requested tonnage of rock salt from the vendor awarded your location. Purchase of an enhanced rock salt will not lessen this agreement, and would be in addition to your required purchase tonnage.

It is hoped that this information will be beneficial to you in the utilization of this contract. If you have any further questions concerning the rock salt contract, please feel free to contact me at (217) 782-8091.

Sincerely,

Wayne Ilsley, Buyer
Bureau of Strategic Sourcing And Procurement

515 W. 65th Street
Willowbrook, IL 60527

Property Owner: Paul Shukis
5006 Lawn Avenue
Western Springs, IL 60558

Property Location: 8110 Cass Avenue

PIN: 09-33-213-037

Existing Zoning: O Office

Existing Land Use: Office building, vacant

Surrounding Zoning and Land Use:

North: R-2 Single-Family Residential: single-family residential
South: O Office: offices, veterinary clinic
East: B-1 Neighborhood Convenience Shopping District: shopping center
West: R-2 Single-Family Residential: single-family residential

Comprehensive Plan Update: Commercial

History: The subject property is part of a 17 lot subdivision approved in 2002 which includes both residential and office lots. The office building to the south is occupied by a veterinary clinic.

Size of Property: 1.3 acres (55,726 square feet)

Floodplain: Floodplain map does not show floodplain on this lot.

Natural Features: None.

Transportation: Property has frontage on Cass Avenue.

Documents Submitted

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

1. Foundation Spot Survey, 1 sheet, prepared by Jacob & Hefner Associates, Inc., latest revision dated August 28, 2008.
2. Site Plan, 1 sheet, copied from approved engineering plans.
3. Building Floor Plan, 1 sheet, prepared by KLLM Architects, Inc.

-
Planning Overview/ Discussion

The petitioner seeks approval of a special use in order to establish a medical clinic within the O Office zoning district at the subject location.

Special uses are uses specifically listed as such in the Zoning Ordinance for each zoning district. A special use requires City Council approval. A special use is a use which the City Council has determined to need a higher level of review than a permitted use.

The proposed medical clinic is for a dermatologist.

The number of required parking stalls for medical/dental clinics and business/professional offices are the same, if built independently on their own lot. The amount of parking provided complies.

Staff does not expect the amount of traffic to be generated by the proposed use to exceed what would be expected of other uses permitted within the O Office zoning district. The site has adequate egress/ingress onto Cass Avenue. The permitted and special uses within the O Office zoning district are:

PERMITTED USES:

Offices, business or professional.

SPECIAL USES:

Animal hospitals.

Banks and financial institutions, with or without accessory drive-through.

Civic buildings and governmental uses.

Clinics, medical and dental, to include all twenty-four (24) hour outpatient healthcare facilities.

Hospitals.

Nursery schools, preschools, and daycare centers.

Public and private utility facilities.

Religious institutions, including, but not limited to, churches, rectories, seminaries, covenants, and monasteries including dormitories and other accessory uses required for operation.

Swimming, tennis, racquet and other athletic club facilities.

Undertaking establishments.

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 the Planning and Zoning Commission and the Planning and Development Committee.

Staff Findings/Recommendations

Staff does not object to the petition. The proposed use is consistent with the allowed uses within the O Office zoning district. Therefore, staff recommends the Commission make the following motion recommending approval of the variation:

Based upon the submitted petition and the information presented, the request associated with PZC 2009-10 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 – October 7, 2009

The Planning and Zoning Commission considered this matter at its meeting on October 7, 2009. The following members were present:

Beverly Meyer – Chairperson, Robert Erickson, Donald Hickok, Gloria Jiskra, Ronald Kiefer, John Lind, Raymond Mielkus, Susan Vonder Heide, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Members absent: Kenneth Ritzert.

Michael Griffith, Senior Planner, reviewed the staff agenda memo. He noted the proposed use, a medical clinic, and that under the Zoning Ordinance, special use approval is required for a medical use within the O Office zoning district. He noted that the City recently amended the City Code to allow the animal clinic in the building to the immediate south.

Mr. Griffith noted that there are no site plan changes. He stated the parking provided meets the code, both for an office use and for a medical clinic.

Robert Edwards, RWE Management, the petitioner, was present.

Chairperson Meyer noted the number of seating in the lobby and asked if there would be enough parking.

Mr. Griffith noted that the parking requirement is based on the building square footage and not the number of patient rooms or lobby capacity. He stated that if this was to be newly constructed site, the required parking would be based on the building square footage.

Dr. Dimotopoulos, the doctor to be practicing from the subject property, stated that usually there are 2-3 people that arrive for one person's appointment, arriving in one vehicle. He stated that he believes there is adequate parking.

Commissioner Hickok asked how many doctors would practice out of this location.

Dr. Dimotopoulos stated there would be 2 doctors, 1 full time assistant, an office manager, he stated about 5 people would be working from this location.

Commissioner Mielkus asked if surgeries would be performed.

Dr. Dimotopoulos stated that only minor surgeries would be performed, ones only requiring local anesthetics, such as mole removal. He stated typical dermatological conditions will be treated.

There was not anyone from the public to offer comments.

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

Based upon the submitted petition and the information presented, the request associated with PZC 2009-10 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.

**Upon a roll call vote, THE MOTION CARRIED by a vote of 8-0.
(Commissioner Ritzert was absent.)**

Staff Comment – Planning and Development Committee, October 20, 2009

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

Based upon the submitted petition and the information presented, the request associated with PZC 2009-10 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Development Committee approve the petition as presented.

Planning and Development Committee Review – October 20, 2009

The Planning and Development Committee considered this matter at its meeting on October 20, 2009. The following members were present: Alderman Sylvia McIvor - Chairperson, Alderman Joseph Marchese –, Alderman John Poteraske, Dan Gombac – Director and Michael Griffith – Senior Planner.

Members absent: Elizabeth Lahey – Secretary.

Michael Griffith, Senior Planner, briefly reviewed the staff agenda memo.

Without further discussion, Alderman Marchese made the following motion, seconded by Alderman Poteraske:

Based upon the submitted petition and the information presented, the request associated with PZC 2009-10 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Development Committee approve the petition as presented.

Upon a voice vote, the MOTION CARRIED by a vote of 3-0.

CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO.

**AN ORDINANCE APPROVING A SPECIAL USE
IN THE O OFFICE ZONING DISTRICT
FOR THE OPERATION MEDICAL CLINIC**

(PZC 2009-10: 8110 Cass Avenue)

ADOPTED BY THE

MAYOR AND CITY COUNCIL

OF THE

CITY OF DARIEN

THIS 2nd DAY OF NOVEMBER, 2009

Published in pamphlet form by authority of the
Mayor and City Council of the City of Darien,
DuPage County, Illinois, this _____ day
of _____, 2009.

**AN ORDINANCE APPROVING A SPECIAL USE
IN THE O OFFICE ZONING DISTRICT
FOR THE OPERATION OF A MEDICAL CLINIC**

(PZC 2009-10: 8110 Cass Avenue)

-

WHEREAS, the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, the property legally described in Section 1 (the "Subject Property"), is zoned O Office District pursuant to the Darien Zoning Ordinance; and

WHEREAS, the petitioner has requested approval of a special use in the O Office District for the purpose of operating a medical clinic; and

WHEREAS, section 5A-9-2-4 of the Darien Zoning Ordinance allows medical clinics as a special use in the O Office District; and

WHEREAS, pursuant to proper legal notice, a public hearing on said petition was held before the Planning and Zoning Commission on October 7, 2009; and

WHEREAS, the Planning and Zoning Commission at its regular meeting of October 7, 2009, has forwarded its findings and recommendation of approval of said petition to the City Council; and

WHEREAS, on October 20, 2009, the Planning and Development Committee of the City Council reviewed the petition and has forwarded its recommendation of approval of said petition to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above and now determines to grant the petition subject to the terms, conditions and limitations described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: Subject Property. This Ordinance is limited and restricted to the property generally located at 8110 Cass Avenue, Darien, Illinois, and legally described as follows:

LOT 16, CHAPMAN COURT ADDITION, BEING A SUBDIVISION OF LOTS 8, 9, AND 10 IN SMART ACRES, A SUBDIVISION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 12, 2003 AS DOCUMENT R2003-056289 AND CERTIFICATE OF CORRECTION RECORDED

PIN: 09-33-213-037

SECTION 2: Special Use Granted. A special use is hereby granted in the O Office District to permit the operation of medical clinic on the Subject Property as provided in Section 5A-9-2-4 of the Darien Zoning Ordinance.

SECTION 3: Home Rule. This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent of the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supercede state law in that regard within its jurisdiction.

SECTION 4: Effective Date. This Ordinance 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 2nd day of November, 2009.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS,

this 2nd day of November, 2009.

ATTEST:

KATHLEEN MOESLE WEAVER, MAYOR

JOANNE F. COLEMAN, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

RWE Management Company

515 West 65th Street
Willowbrook, IL 60527
Tel/ 630.353.0883
Fax/630.353.0884

September 10, 2009

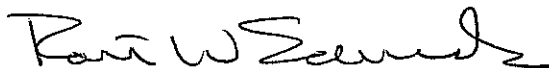
Michael Griffith, AICP
Senior Planner
Community Development Department
City of Darien

Re: University Dermatology
8110 S Cass Avenue
Special Use Criteria Response

1. It's been determined by University Dermatology that this would be a good location for a medical office space. Many of the existing clients are within this general area, which would make this a convenient location for clients.
2. The planned medical office space will in no way be detrimental or endanger public health at this location.
3. The medical office space will not impair the property values within the neighborhood or be injurious to the other property owners within the vicinity.
4. The establishment of the special use will in no way effect the development and improvements to surrounding property, because the surrounding properties are already developed and improved.
5. The exterior architectural design, landscape plan, and function plan has already been approved and constructed per ordinance # 0-37-02.
6. The site engineering has been approved per ordinance #0-37-02 and special use will in no way amend the ordinance.
7. See answer to questions 6 & 7.
8. The special use will confirm to applicable regulations and modifications requested by zoning, planning, and city council. Re-zoning is not applicable.

Respectfully submitted,

RWE Management Company



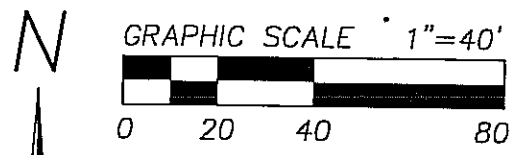
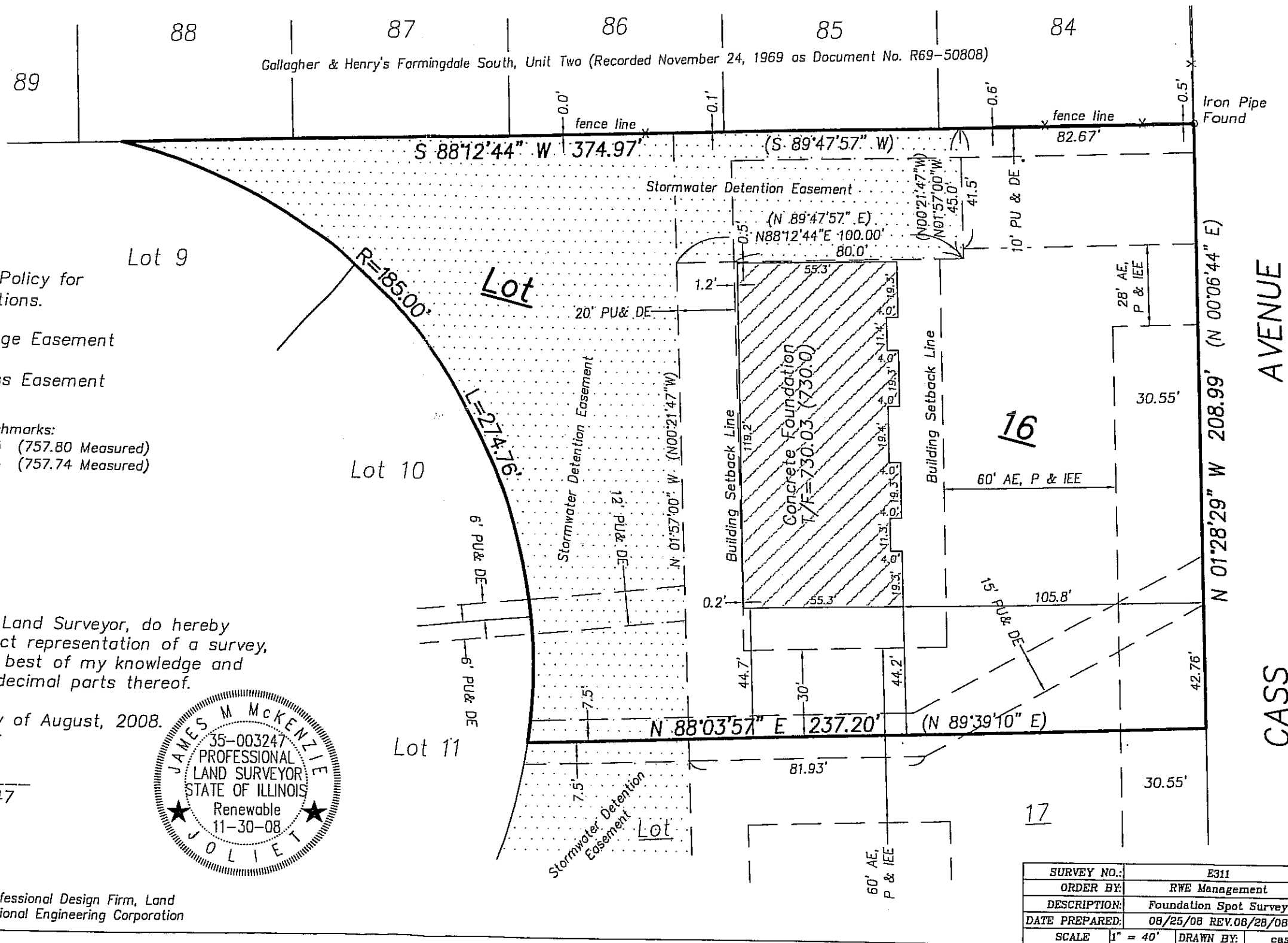
Robert W. Edwards
President

Encl:
Hand Delivered

Construction Management and Consulting

FOUNDATION SPOT SURVEY

LOT 16, CHAPMAN COURT ADDITION, BEING A SUBDIVISION OF LOTS 8, 9, AND 10 IN SMART ACRES, A SUBDIVISION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 12, 2003 AS DOCUMENT R2003-056289 AND CERTIFICATE OF CORRECTION RECORDED JANUARY 13, 2004 AS DOCUMENT R2004-009543.



NOTES:
Refer to Local Ordinances and Title Policy for additional information and/or restrictions.

PU & D = Public Utility and Drainage Easement
AE = Access Easement
P & IEE = Parking & Ingress/Egress Easement

BENCHMARKS:
Vertical Datum—NGVD 29 DuPage County Benchmarks:
Benchmark # DGN28004 Elevation = 758.8015 (757.80 Measured)
Benchmark # DGN28002 Elevation = 757.8514 (757.74 Measured)

State of Illinois)
County of Will)SS

I, James M. McKenzie, an Illinois Professional Land Surveyor, do hereby certify that the Plat shown hereon is a correct representation of a survey, performed at and under my direction, to the best of my knowledge and belief. All dimensions are shown in feet and decimal parts thereof.

Given under my Hand and Seal, this 28th day of August, 2008.

James M. McKenzie
Illinois Professional Land Surveyor No. 35-3247



JACOB & HEFNER ASSOCIATES, INC.
ENGINEERS SURVEYORS
815 Campus Drive
Joliet, Illinois 60435
(815)730-8300 FAX (815)730-8369

LIC #184-003073 Professional Design Firm, Land Surveying and Professional Engineering Corporation

SURVEY NO.:	E311
ORDER BY:	RWE Management
DESCRIPTION:	Foundation Spot Survey
DATE PREPARED:	08/25/08 REV.08/28/08
SCALE	1" = 40'
DRAWN BY:	cas

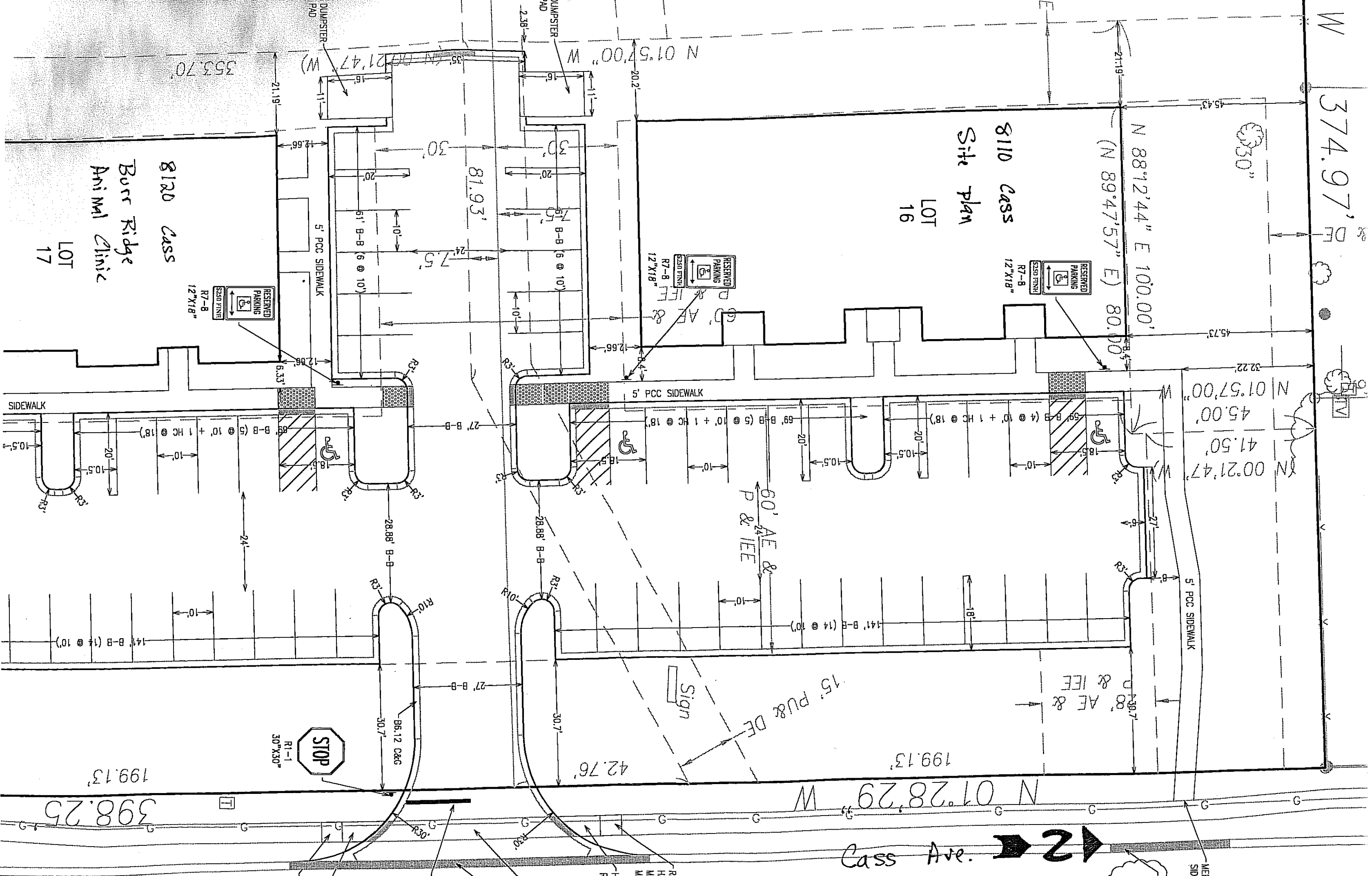
W 374.97' DE

N 88°12'44" E 100.00'
(N 89°47'57" E) 80.00'

8110 Cass
Site plan
LOT 16

8120 Cass
Burr Ridge
Animal Clinic
LOT 17

LOT 17



353.70'

21.19'

N 01°57'00" W

81.93'

N 01°57'00" W

21.19'

45.43'

350'

RESERVED PARKING
R7-B
12'x18'

RESERVED PARKING
R7-B
12'x18'

RESERVED PARKING
R7-B
12'x18'

N 01°57'00" W
45.00'
41.50'
N 00°21'47" W

5' PCC SIDEWALK

SIDEWALK

60' AE & P & IEE

5' PCC SIDEWALK

Sign

15' PU & DE

60' AE & P & IEE

199.13'

N 01°28'29" W

Cass Ave.

398.25'

STOP
R1-1
30"X30"

30.7'

30.7'

42.76'

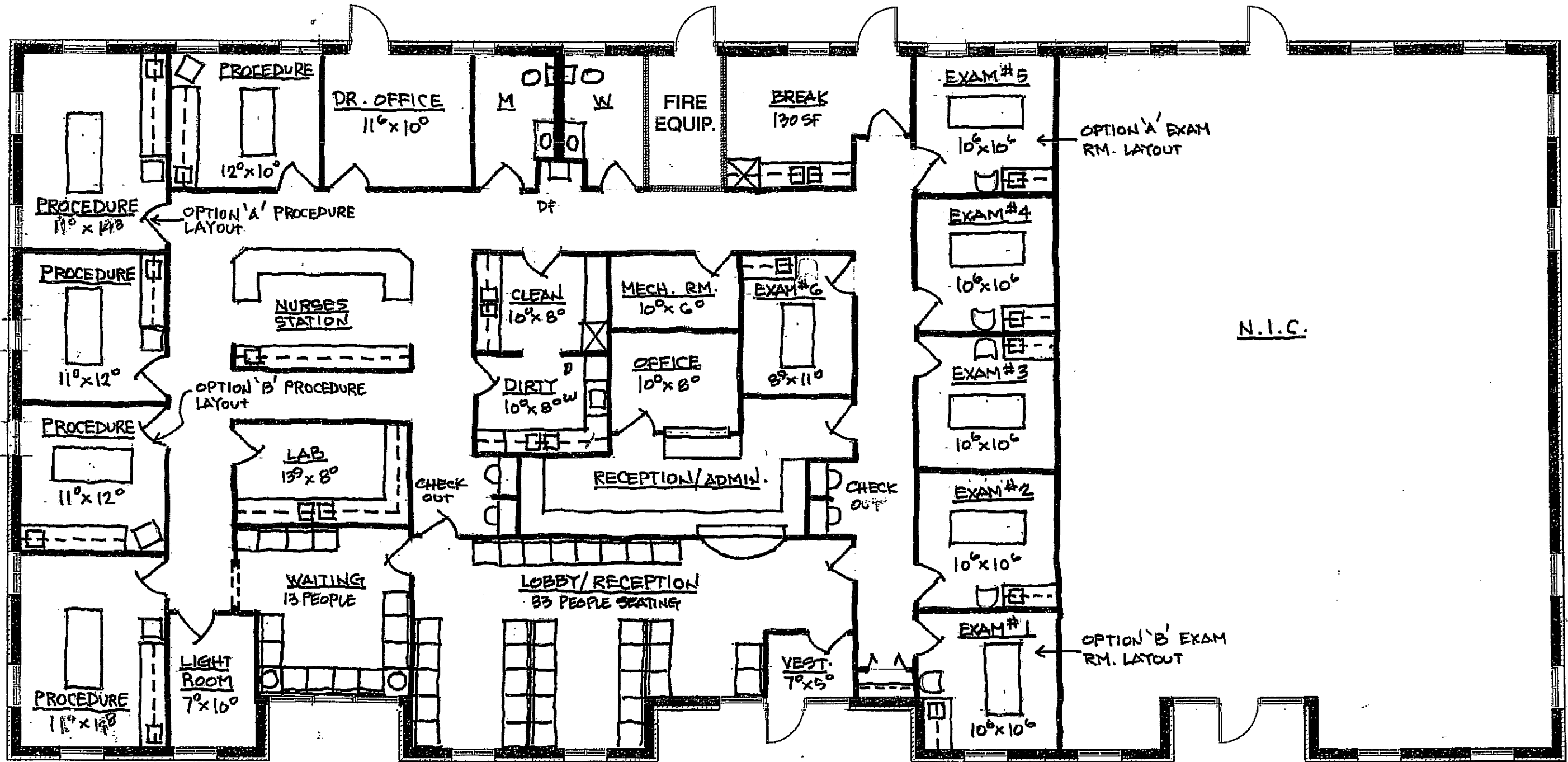
199.13'

R30'

R30'

MEI SID

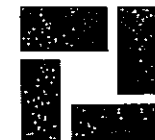
DARIEN OAKS OFFICE CENTER
 PROPOSED DERMATOLOGY MEDICAL OFFICE



PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0" 4,409 SF

8,110 SOUTH CASS AVENUE



KLLM ARCHITECTS, INC.
 ARCHITECTS AND LAND PLANNERS
 1657 W Cortland St.
 Chicago, IL 60622-1119

AGENDA MEMO
CITY COUNCIL
MEETING DATE: November 2, 2009

Issue Statement

PZC 2009-09: **6700 Route 83, Dr. Goers:** Petitioner requests a variation to reduce the number of required parking stalls from 5 stalls per 1,000 to 4/1,000 of gross square footage and to reduce the existing parking setback along Route 83 from 15 to 5 feet.

ORDINANCE

Discussion

Both the Planning and Zoning Commission and the Planning and Development Committee considered this item at their respective meetings. The Commission held the required public hearing on October 7, 2009. Both bodies recommend approval of the petition. The Planning and Development Committee recommend the following conditions to be imposed:

- 1. The dumpster enclosure shall be constructed of masonry.**
- 2. The parking shall include 25 parking stalls as depicted by the drawing submittal labeled as New Offices for Goers Dental Care, consisting of 3 sheets and labeled as Sheet A-1 and dated July 12, 2009, and bearing a revision date of September 9, 2009, and prepared by Marcus Construction Company Inc.**
- 3. The building façade shall consist of brick, stone and mortar.**

The complete agenda memo follows as “Additional Information.”

The draft ordinance is attached.

Decision Mode

The Planning/Zoning Commission considered this item at its meeting on October 7, 2009.
The Planning/Development Committee considered this item at its meeting on October 20, 2009.
The City Council will consider this matter at its meeting on November 2, 2009.

Additional Information

Issue Statement

PZC 2009-09: **6700 Route 83, Dr. Goers: Petitioner requests a variation** to reduce the number of required parking stalls from 5 stalls per 1,000 to 4/1,000 of gross square footage and to reduce the existing parking setback along Route 83 from 15 to 5 feet.

Applicable Regulations: Zoning Ordinance: 5A-8-3: B-2 Community Shopping Center Business District

Zoning Ordinance: 5A-11-2: Off-Street Parking
Zoning Ordinance: 5A-2-2-3: Variations
Ordinance No. O-52-87

General Information

Petitioner/Owner: Dr. Ronald Goers, DDS
6700 Route 83
Darien, IL 60561

Property Location: 6700 Route 83

PIN: 09-23-304-018 and 09-23-304-019

Existing Zoning: B-2 Community Shopping Center Business District

Existing Land Use: Vacant building, former bank

Surrounding Zoning and Land Use:

North: R4 Multi-Family Residential (Willowbrook): multi-family residential
South: B-2 Community Shopping Center Business District: offices, automotive services
East: LOP Limited Office Professional (Willowbrook): offices
West: R-2 Single-Family Residential: single-family residential

Comprehensive Plan Update: Commercial

History: In 1987, via [Ordinance No. O-52-87](#), the City Council rezoned the property from R-2 Single-Family Residence to the B-2 Community Shopping Center Business District zoning district and granted site plan approval for a bank along with several variations.

Size of Property: 0.60 acres

Floodplain: Floodplain map does not show floodplain on this lot.

Natural Features: None.

Transportation: Property has frontage on Route 83 and 67th Street, with access onto 67th Street only.

Documents Submitted

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

1. ALTA/ACSM Land Title Survey, 1 sheet, prepared by Morris Engineering, Inc., dated February 26, 2009.
2. Site Plan, 1 sheet, prepared by Marcus Construction Company, Inc., latest revision dated September 9, 2009.
3. Building Elevations, 2 sheets, prepared by Marcus Construction Company, Inc., dated September 9, 2009.
4. Building Floor Plan, 1 sheet, dated September 9, 2009.

Planning Overview/ Discussion

The subject property is located at the southwest corner of Route 83 and 67th Street. The site is the former Hinsbrook Bank site. The petitioner proposes to remove the existing building exterior walls and roof, but retaining the building foundation and steel building frame. He plans to construct a new building with these elements. The plan includes enlarging the building.

The proposed use is a dental clinic. A dental clinic is a permitted use within the B-2 zoning district.

In 1987, via Ordinance O-52-87, the City Council granted the following development approvals and zoning relief:

1. Rezoned the property from R-2 to the B-2 zoning district.
2. Approved site plan, including the drive-thru facility, lighting and landscaping.
3. To reduce the required building setback along the south lot line from 40 to 15 feet.
4. To reduce the required parking setbacks as follows:
 - a. On the east side, from 30 to 15 feet.
 - b. On the south side, 20 to 3 feet.
 - c. On the west side, 30 to 20 feet.
 - d. On the north side, 30 feet to 5 feet.
5. To permit landscaping along the west lot line instead of the required fence.

The variations requested by the petitioner are:

1. To reduce the required number of parking stalls based on the ratio, from 5 stalls per 1,000 to 4/1,000 of gross square footage, or, from 28 to 23 parking stalls.
2. To reduce the required parking setback along the east lot line from 15 feet to 5 feet.

The request to reduce the number of required parking stalls is based on 1,211 square feet of the total gross square footage of the building being used for storage only. The Zoning Ordinance bases the required amount of parking on the gross square footage of a building and not the square footage of office space, or retail space, for example. The plans, however, show 25 parking stalls.

The request to reduce the required parking setback is to provide for the building expansion. The petitioner proposes to shift the parking along the east side closer to the lot line. Currently, the parking setback is 15 feet, the petitioner is asking for a 5-foot setback. The plans, however, show a 7-foot setback. If the current setback is maintained, the building footprint will have to be reduced, or, further reduction in the amount of parking provided.

For both variation requests, the petitioner has yet to demonstrate the need for the variations. That is to say, why is the proposed building size/footprint needed? Is it possible to reduce the building footprint?

The parking stall dimensions shown on the plan comply (10 feet wide x 18 feet deep). Drive aisle widths also comply.

The existing driveway locations onto 67th Street are to remain as is.

The proposed gross square footage of the building complies with the permitted Floor Area Ratio of 0.60 (0.22 proposed). The proposed building footprint complies with the maximum lot coverage.

The petitioner needs to confirm the total lot coverage (all impervious surfaces), existing and proposed.

The building floor plan sheet is provided for information, to give a sense of the use of the property. The proposed floor plan shows 9 examination rooms.

The building elevation drawings do not provide exterior building materials or color details. The plans need to indicate the exterior materials and colors. The petitioner should provide a material board.

The dumpster enclosure details are not noted on the plans. The dumpster enclosure is to be masonry matching/coordinating with the exterior building materials. The details are to be noted on the plans.

Landscaping should be discussed. The plan provides only limited areas for landscaping. The petitioner should address how landscaping can be provided, then details are to be submitted. The area along the west lot line appears to be adequate.

Currently, there are decorative lights to illuminate the parking lot. The petitioner has not indicated such lighting will change. If lighting changes are proposed, a photometric plan will be required showing the foot candles at the lot line and a light pole detail.

The [Tri-State Fire Protection District](#) reviewed the proposed site plan. In a letter dated September 16, 2009, from David Zalesiak, Inspector, the Fire District states the 12-foot wide drive aisle at the south end of the building is insufficient, and requests a 21-foot wide drive aisle. Staff cannot find this code requirement within the 2006 International Fire Code, which the City has adopted. Staff cannot find where the Fire Code requires a fire lane access completely surrounding a building. Further, the driveway is currently less than 12 feet wide as indicated on the plat of survey. Staff does not support the Fire District's comment and does not object to the driveway as shown on the proposed plan.

[Dan Lynch, PE, Christopher B. Burke Engineering, Ltd., City Engineer](#), reviewed the proposed site plan for stormwater management. Stormwater detention is not required if the area of the parking lot and building expansion is less than 25,000 square feet. It appears the proposed plans will not meet this threshold; however, the petitioner will have to provide the calculations to

confirm the expansion area.

Staff Findings/Recommendations

Staff recommends the petitioner provide the following before a recommendation can be offered:

1. The petitioner must demonstrate the need for the variation, that is, is it possible to reduce the building footprint?
2. Provide exterior building material details.
3. Provide dumpster enclosure details, materials to match the exterior building materials.
4. Provide lot coverage calculations, including the building and parking lot expansion square footage.

Planning and Zoning Commission Review – October 7, 2009

The Planning and Zoning Commission considered this matter at its meeting on October 7, 2009. The following members were present:

Beverly Meyer – Chairperson, Robert Erickson, Donald Hickok, Gloria Jiskra, Ronald Kiefer, John Lind, Raymond Mielkus, Susan Vonder Heide, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Members absent: Kenneth Ritzert.

Michael Griffith, Senior Planner, reviewed the staff agenda memo. He noted the variation requests being made, to reduce the parking setback along Route 83 and to reduce the number of required parking stalls.

He stated that while the petitioner is seeking a 5-foot parking setback along Route 83, the plan shows 7 feet. He also stated the plan shows more parking than the requested variation, 25 parking stalls provided, 23 requested.

He stated the petitioner should demonstrate the need for the variation requests, that is, is it possible to reduce the building foot print.

He noted that in 1987 the City Council granted several variations, mostly related to the parking lot setback, the distance the parking lot can be from the lot lines.

Mr. Griffith noted that there is currently substantial landscaping along the west side of the property that provides good screening. He stated this landscaping should be maintained. He stated there is currently not much landscaping elsewhere on the site and the proposed plan will not provide much area for landscaping.

Mr. Griffith stated that he took another look at the dumpster enclosure. He stated there is a fence which screens the dumpster well and felt it was adequate. He stated that with new construction, staff has recommended masonry, but the current fence is in good shape and screens the dumpster.

He stated the petitioner has provided a floor plan and building elevations. He stated the petitioner should provide the exterior building material details.

Mr. Griffith noted that the City Engineer has reviewed the site plan. He stated stormwater detention is not required.

Mr. Griffith noted the letter from the Fire District, requesting a 21-foot wide aisle along the south side of the parcel. He stated that the plan shows a wider aisle than currently provided. He stated that staff could neither find where a 21-foot wide aisle was required for fire access, nor where it is required to circle the building. He stated staff does not support the Fire District's request. He stated that staff finds there is adequate access on the property.

Elaine Johnson, 6705 Crest Road, stated she lives directly behind the former bank. She stated the current landscaping blocks the view of the building nicely and wants the plantings to remain. She stated the proposed use is OK, but wants the landscaping to remain.

Dr. Ronald Goers, the petitioner, stated the building foot print provides for 9 examination rooms on one level, with storage and mechanical rooms in the basement. He stated that he is unable to expand at his current location, which has 6 examination rooms. He stated that his reason for moving is to have 9 rooms in order to provide proper care of his patients.

Dr. Goers provided a rendering of a building showing a red brick and stone exterior. He stated he plans on having a building with a brick and stone exterior.

He stated he will maintain the existing landscaping along the west side of the property.

He stated he will provide the dumpster enclosure required by the City.

He stated one staff question raised was concerning lot coverage. He stated that the proposed plan reduces the amount of impervious surface.

Commissioner Kiefer asked about the number of doctors, and asked if he was concerned with the reduced number of parking stalls.

Commissioner Lind stated his concern for patients finding parking, the turn over rate.

Dr. Goers stated there would be 2 full-time doctors, 1 part-time doctor, 3 hygienists and office staff. Dr. Goers stated that his consultants tell him that 25 parking stalls should be fine. He stated the 9 examination rooms will not be full all of the time.

Commissioner Lind suggested eliminating the curbed "fingers" along the north side of the building and striping instead. He questioned if the dumpster enclosure was fine as is. He suggested moving the access to the east side of the enclosure to provide better access, but that should be coordinated with the petitioner's waste hauler.

Commissioner Kiefer stated he felt the existing dumpster enclosure was fine.

The Commission discussed snow removal and sign location in order to provide more parking.

The Commission decided to leave the sign location as is.

Without further discussion, Commissioner Hickok made the following recommendation, seconded by Commissioner Kiefer:

I make a motion to recommend approval of the petition as presented, along with the information submitted by the petitioner.

**Upon a roll call vote, THE MOTION CARRIED by a vote of 8-0.
(Commissioner Ritzert was absent.)**

Staff Comment – Planning and Development Committee, October 20, 2009

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

Based upon the submitted petition and the information presented, the request associated with PZC 2009-09 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Development Committee approve the petition as presented.

Planning and Development Committee Review – October 20, 2009

The Planning and Development Committee considered this matter at its meeting on October 20, 2009. The following members were present: Alderman Sylvia McIvor – Chairperson, Alderman Joseph Marchese, Alderman John Poteraske, Dan Gombac – Director, Michael Griffith – Senior Planner.

Members absent: Elizabeth Lahey – Secretary.

–
Mr. Griffith provided an overview of the proposed use and variances.

Alderman Poteraske inquired whether the single handicap stall is in compliance. Staff responded that the required handicap stall is in compliance.

Alderman Poteraske inquired to the Fire Department's comment regarding drive through access to the south of the building. Director Gombac replied that Staff did not support the comment as there was no reference to any code supporting the argument. Further the building was built in 1997 with no comment regarding this issue then. Staff had further identified that the commercial buildings immediately south of the proposed development were constructed with limited access to the rear of the building. The proposed building will have clear drive-up access to three facades of the building. There was no further comment.

Alderman Poteraske inquired to the construction material of the dumpster enclosure. Staff supported the removal of the existing wooden dumpster enclosure and the construction of a masonry enclosure. It was noted that the Planning and Zoning Commission approved the existing wooden enclosure. The Planning and Development Committee concurred that the existing wooden enclosure shall be removed and re-constructed with a footing and

masonry enclosure. The petitioner was present and was in agreement to reconstruct the dumpster enclosure with a footing and brick and mortar.

Alderman Poteraske inquired to storm water detention. The proposed site did not require detention/retention and confirmed through the City's Engineer.

The Committee discussed the number of parking stalls required. The code requires that 28 parking stalls are required based upon the gross square footage of the building. The petitioner had requested a variance to decrease the parking to 23 stalls whereas the plan depicted 25 stalls. The petitioner was present and informed the Committee that he was seeking a variance for 25 stalls as proposed by the plan. The Committee concurred with 25 parking stalls.

Without further discussion, Alderman Marchese made the following motion, seconded by Alderman Poteraske:

Based upon the submitted petition and the information presented, the request associated with PZC 2009-09 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Development Committee approve the petition with the following conditions:

- 1. The dumpster enclosure shall be constructed of masonry.**
- 2. The parking shall include 25 parking stalls as depicted by the drawing submittal labeled as New Offices for Goers Dental Care, consisting of 3 sheets and labeled as Sheet A-1 and dated July 12, 2009, and bearing a revision date of September 9, 2009, and prepared by Marcus Construction Company Inc.**
- 3. The building façade shall consist of brick, stone and mortar.**

Upon a voice vote, the MOTION CARRIED by a vote of 3-0.

CITY OF DARIEN

DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE AMENDING EXISTING VARIATIONS
TO THE DARIEN ZONING ORDINANCE**

(PZC 2009-09: 6700 Route 83)

ADOPTED BY THE

MAYOR AND CITY COUNCIL

OF THE

CITY OF DARIEN

THIS 2nd DAY OF NOVEMBER, 2009

Published in pamphlet form by authority of the
Mayor and City Council of the City of Darien,
DuPage County, Illinois, this _____ day
of _____, 2009.

**AN ORDINANCE AMENDING EXISTING VARIATIONS
TO THE DARIEN ZONING ORDINANCE**

(PZC 2009-09: 6700 Route 83)

-

WHEREAS, the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, heretofore, the City adopted Ordinance No. O-52-87 on November 16, 1987, “(AN ORDINANCE REZONING A PROPERTY TO B-2 COMMUNITY SHOPPING CENTER DISTRICT FROM R-2 SINGLE-FAMILY RESIDENCE DISTRICT (HINSBROOK BANK – 67TH AND ROUTE 83))”;

and

WHEREAS, said Ordinance also granted site plan approval and several variations to the Darien Zoning Ordinance; and

WHEREAS, a petition has been filed seeking to amend the variations previously granted, to reduce the number of required parking stalls and to reduce the required parking setback along Route 83; and

WHEREAS, pursuant to proper legal notice, a public hearing on said petition was held before the Planning and Zoning Commission on October 7, 2009; and

WHEREAS, the Planning and Zoning Commission at its regular meeting of October 7, 2009, has forwarded its findings and recommendation of approval of said petition to the City Council; and

WHEREAS, on October 20, 2009, the Planning and Development Committee of the City Council reviewed the petition and has forwarded its recommendation of approval of said petition to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above and now determines to grant the petition subject to the terms, conditions and limitations described below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: Subject Property. This Ordinance is limited and restricted to the property generally located at 6700 Route 83, Darien, Illinois, and legally described as follows:

LOTS 1 AND 2 IN BLOCK 35 IN TRI STATE VILLAGE UNIT NUMBER 5, BEING A SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 23 AND PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 20, 1944 AS DOCUMENT 465114, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-23-304-018 and 09-23-304-019

SECTION 2: Variations Granted. The variations heretofore granted by Ordinance No. O-52-87, are hereby amended:

1. To reduce the required amount of parking from 5 parking stalls per 1,000 of gross square footage to 4 parking stalls per 1,000 gross square footage of the building (28 to 25 parking stalls.)
2. To reduce the required parking setback along Route 83 from 15 to 5 feet.
3. The dumpster enclosure shall be constructed of masonry.
4. The building façade shall consist of brick, stone and mortar.

SECTION 3: Remainder of Ordinance No. 0-52-87. All the terms, conditions and limitations of Ordinance No. 0-57-87, except as amended by this Ordinance, shall remain in full force and effect.

SECTION 4: Home Rule. This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent of the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supercede state law in that regard within its jurisdiction.

SECTION 5: Effective Date. This Ordinance 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 2nd day of November, 2009.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS,

this 2nd day of November, 2009.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE F. COLEMAN, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



October 7, 2009



Mr. Michael Griffin
Senior Planner
City of Darien
1702 Plainfield Road
Darien, Illinois 60561

Re: Variation Petition for Dr. Ronald Goers
6700 Route 83

Dear Mr. Griffin:

Attached please find the additional information you requested as per page 7 of the recent fax we received. If there is anything additional you need, please do not hesitate to contact me at 630-930-9557.

Sincerely,

Ronald W. Goers, D.D.S.

RWG:jah

Enclosure



Question 1/Building Footprint

A smaller footprint for the Darien location will **not** allow the proper access to dental care my patients deserve. The nine treatment rooms will be on the main floor only as patients will not be seen in the basement. The basement is for mechanical and storage use only, with no public access.

The main reason I am planning to move my dental practice to Darien is because I am unable to expand my office space at my current location. I presently have 6 treatment rooms, and in order to accommodate my current patients, and allow them proper access to dental care, I need a minimum of 9 treatment rooms.

I am planning on continuing my present philosophy of high quality dental care. I can assure you this will be a first class project, becoming an asset to the city of Darien and the surrounding area.



Question 4

**Existing Cross Property Area
26,242 Square Feet (From Survey)**



Impervious Area Existing (Scaled from Survey)

140 feet x 171 feet	equals	23,940 square feet
Less North - 67 feet x 5 feet	equals	(34)
Less North - 25 feet x 17 feet	equals	(425)
Less East - 18 feet x 18 feet	equals	(324)
Less East - 6 feet x 33 feet	equals	(198)
Less West - ¼ area of a 28 ft circle equals 615 square feet divided by 4		(134)
Total		22,825 square feet

Proposed Impervious Area

148 feet x 171 feet		25,308 square feet
Less North - 67 feet x 5 feet	equals	(335)
Less North - 25 feet x 10 feet	equals	(250)
Less East - 15 feet x 18 feet	equals	(270)
Less East - 61 feet x 5 feet	equals	(305)
Less East - 18 feet x 20 feet	equals	(360)
Less East - 3ft 6 in x 18 feet	equals	(63)
Less South- 65 feet x 5 feet	equals	(325)
Less West - 38 feet x 11 feet	equals	(418)
Less West - 62 feet x 3 feet	equals	(186)
Less West - 3 ft 6 in x 18 feet	equals	(63)
Less North on West 23 feet x 12 feet	equals	(276)
Less North on West 57 ft x 9ft 8in Less 10 feet x 5 feet	equals	(501)
Total		21,956 square feet

RECEIVED
OCT 07 2009
CARRIEH
COMMUNITY DEVELOPMENT

[COURSE INFO](#)

[PRESENTERS](#)

[COMMENTS](#)

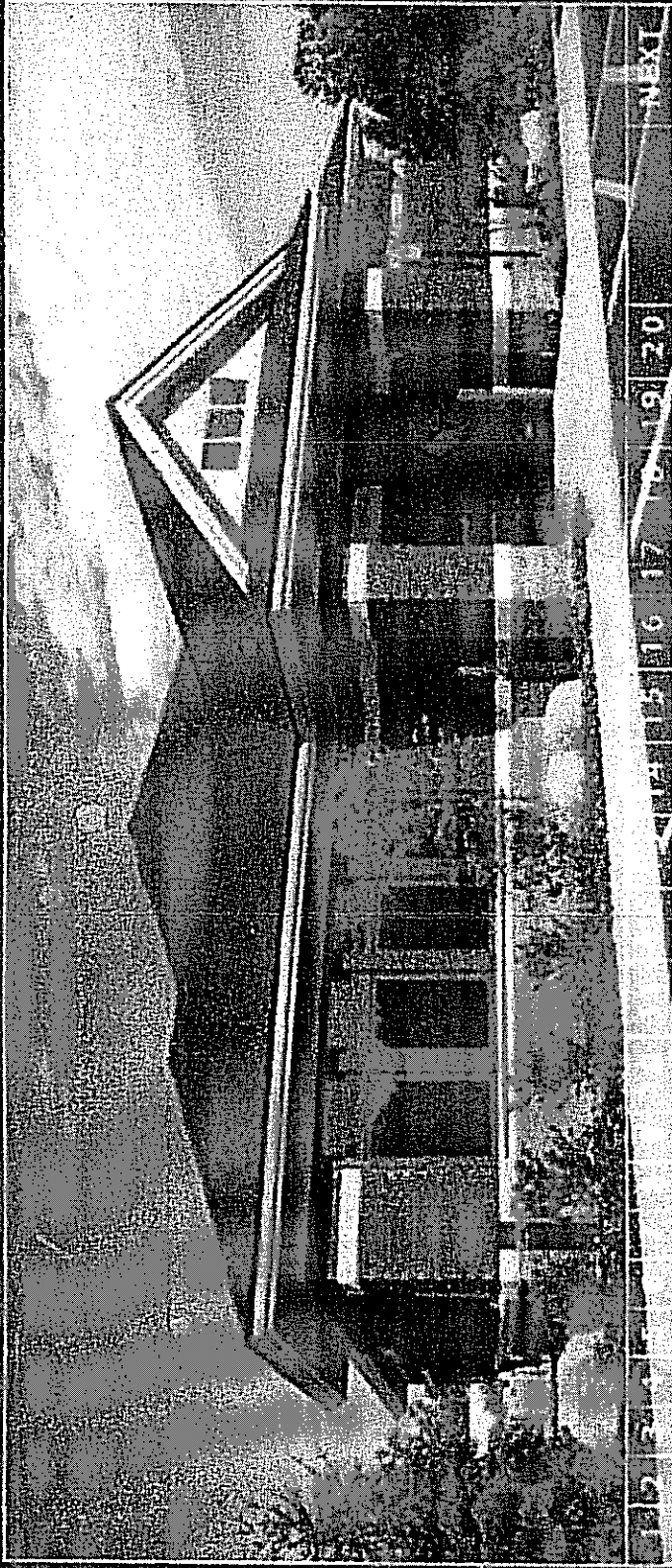
[SCHEDULE](#)

[REGISTRATION](#)

[GALLERY](#)

[LINKS](#)

[HOME](#)



12 13 14 15 16 17 18 19 20 NEXT

CITY OF DARIEN

ORDINANCE NUMBER 0-52-87

AN ORDINANCE REZONING A PROPERTY
TO B-2 COMMUNITY SHOPPING CENTER
DISTRICT FROM R-2 SINGLE-FAMILY
RESIDENCE DISTRICT (HINSBROOK
BANK - 67TH AND ROUTE 83)

ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN

THIS 16th DAY OF November, 19 87

Published in pamphlet form
by authority of the Mayor
and City Council of the
City of Darien, DuPage
County, Illinois, this
17th day of November,
19 87.

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

CERTIFICATE

I, Gertrude M. Coit, C.M.C., certify that I am the duly elected and acting municipal clerk of the City of Darien, Du Page County, Illinois.

I further certify that on November 16, 1987, the Corporate Authorities of such municipality passed and approved Ordinance Number 0-52-87, entitled AN ORDINANCE REZONING A PROPERTY TO B-2 COMMUNITY SHOPPING CENTER DISTRICT FROM R-2 SINGLE-FAMILY RESIDENCE DISTRICT (HINSBROOK BANK - 67TH AND ROUTE 83)

_____ which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance Number 0-52-87, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on Nov. 17, 1987, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Darien, Illinois, this 17th day of November, 19 87.

(SEAL)

Gertrude M. Coit, C.M.C.
Municipal Clerk

ORDINANCE NUMBER 0-52-87

AN ORDINANCE REZONING A PROPERTY
TO B-2 COMMUNITY SHOPPING CENTER
DISTRICT FROM R-2 SINGLE-FAMILY
RESIDENCE DISTRICT (HINSBROOK
BANK - 67TH AND ROUTE 83)

WHEREAS, the City has been petitioned to rezone the property legally described herein; and,

WHEREAS, the petitioner is requesting rezoning of the property described herein to B-2 Community Shopping Center District classification in order for a satellite banking facility with a drive-thru to be permitted; and,

WHEREAS, pursuant to proper legal notice a public hearing was held before the Plan Commission and Zoning Board of Appeals on October 21, 1987; and,

WHEREAS, the Plan Commission and Zoning Board of Appeals at their regular meetings of November 4, 1987 has recommended approval of their proposal subject to certain conditions.

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

SECTION 1: The property legally described below is hereby rezoned to the B-2 Community Shopping Center District.

PARCEL 1: Lot 2 in block 35 in Tri-State Village Unit Number 5, being a subdivision of part of the Southwest Quarter of Section 23 and part of the East half of the Northwest Quarter of Section 26, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded July 20, 1944 as document 465114, in DuPage County, Illinois.

ADDITIONAL PARCEL: Lot 1 in block 35 in Tri-State Village Unit Number 5, being a subdivision of part of the Southwest Quarter of Section 23 and part of the East half of the Northwest Quarter

ORDINANCE NUMBER 0-52-87

LEGAL DESCRIPTION (Continued)

of Section 26, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded July 20, 1944 as document 465114 in DuPage County, Illinois.

SECTION 2: The property shall be developed in accordance with the following:

- a. The property shall be developed as a satellite banking facility with drive-thru lanes.
- b. The property shall be developed in accordance with the site plan drawn for Hinsbrook Bank and Trust by Associated Bank Construction and Design, sheet 1 of 1, revision date October 26, 1987 and herein included by reference.
- c. The landscaping shall be in conformity with the landscape plan as drawn by Stan's Landscaping, Inc., R.R. 9, Box 391, Lockport, Illinois 60441, sheet 1 of 1, dated November 2, 1987 and the landscape plan drawn by Hinsbrook Landscaping, 701 North York Road, Hinsdale, Illinois 60521, drawing number 1, dated October 31, 1987, both herein included by reference. These two plans set the concept for the site landscaping and shall act in composite as the minimum required.
- d. The minimum height of the evergreen plantings along the top of the berm shall be 30 inches.
- e. In the event that traffic activity at this site requires either guidance personnel or additional signage, etc., it shall be the responsibility of the bank to provide for this.
- f. All parking lot lighting standards shall be no greater than six feet (6') in height and all illumination sources shall be shielded from visibility from within the homes to the west.
- g. Where this document is silent the referenced plans and underlying City codes shall apply.

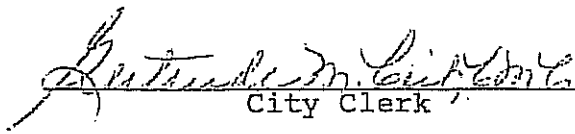
ORDINANCE NUMBER 0-52-87

SECTION 3: The following variations to the Zoning Ordinance are hereby granted:

- a. To permit a lot area of .6 acres instead of the 6 acres as required by Section 5A-8-3-5.
- b. To permit a 15 foot building setback along the south side instead of the 40 foot yard setback as required.
- c. To permit paving setbacks of 15 feet east, 3 feet south, 5 feet north and 20 feet west instead of 30 feet east, 20 feet south, 30 feet north and 30 feet west as required by Sections 5A-11-2-D-3 and 5A-8-3-7.
- d. To permit a berm and landscaping along the west side of the property in lieu of the fence as required by Section 5A-5-8-3-A-1.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 16 day of November, 1987.


City Clerk

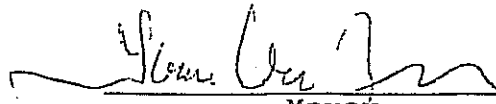
AYES: 7: Bazon, Biehl, Counsell, Gillespie,
Rusnak, Sims, Soldato

NAYS: 0: None

ABSENT: 0: None

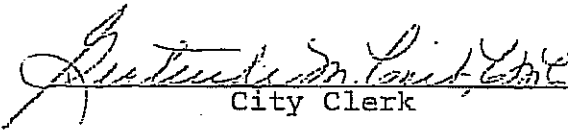
ORDINANCE NUMBER 0-52-87

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 16 day of November, 1987.



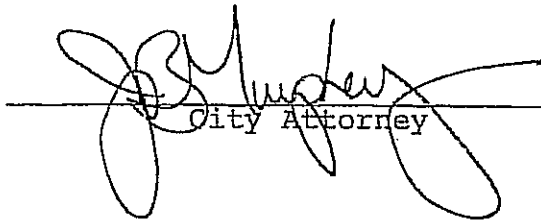
Mayor

ATTEST:



City Clerk

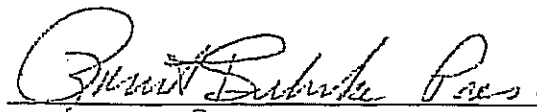
APPROVED AS TO FORM:



City Attorney

Robert Rubke being the owner or other party in interest of the property legally described within this Ordinance, having read a copy of the Ordinance, does hereby accept, concur, and agree to develop and use the subject property in accordance with the conditions specified therein.

Dated: 12-14-87



Owner

FOUNDED IN 1946

TRUSTEES

Hamilton "Bo" Gibbons
Jill K. Strenzel
Michael L. Orrico



CHIEF ADMINISTRATOR

Michelle A. Gibson

DEPUTY CHIEF

Paul L. Ross

**TRI-STATE
FIRE PROTECTION DISTRICT**

419 PLAINFIELD ROAD • DARIEN, ILLINOIS 60561 • (630) 323-6445



September 16, 2009

Village Of Darien
Building Department
1702 Plainfield Road
Darien, Illinois 60561

RE: Goers Dental Offices
6700 Rt. 83
TSFD Permit # 9025

To whom it may concern,

Plans for the above-mentioned project were received on September 14, 2009. After review, we have the following comments in order to be in compliance with applicable standards relative to fire prevention and life safety. Sprinkler plans are required to be submitted. Fire alarm plans are require to be submitted. The existing 12 foot area as shown on the plans at the rear of the building in insufficient for an emergency and needs to be at least 21 feet wide. Please resubmit changes to this request.

One copy of your submitted plans will be filed at our office. Any additional copies may be picked within two weeks, after which time they will be disposed of.

The Bureau of Fire Prevention has been asked to review the plans, specifications or other documents submitted to see if compliance has been made with the Fire Prevention Codes and Ordinances of the Tri-State Fire Protection District. Errors or omissions by representatives of the Bureau of Fire Prevention do not constitute permission to cancel, set aside or waive any provision of any applicable Code or Ordinance of the Tri-State Fire Prevention District. Approvals by the Bureau of Fire Prevention will be in writing only.

Please feel free to contact this office if there are any further questions. 630.654-6284

Ext. 581

Sincerely,

David Zalesiak

Inspector

Bureau of Fire Prevention



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

September 23, 2009

City of Darien
1702 Plainfield Road
Darien, IL 60561-5044

Attention: Mike Griffith

Subject: 67th Street at Route 83
(CBBEL Job No. 95-323 H126)

Dear Mike:

As requested, Christopher B. Burke Engineering, Ltd. (CBBEL) has reviewed the concept plan for redevelopment of the parcel at the southwest corner of 67th Street and Route 83. The building and parking lot are both proposed to be expanded. If the existing site undergoes expansion not exceeding 25,000 square feet, no additional stormwater detention will be needed. Calculations will have to be provided to document the area of expansion.

If the existing building is demolished and the site redeveloped, then stormwater detention would be required. If a current survey shows that the site is currently 80% impervious, then detention can be provided at a reduced rate, meeting a release rate of 0.04 cfs/acre for a two year storm.

If you have any questions, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Lynch'.

Daniel L. Lynch, PE, CFM
Head, Municipal Engineering Department

AGENDA MEMO
City Council Meeting
November 2, 2009

-

-

ISSUE STATEMENT

Approval of AN **ORDINANCE AMENDING THE CITY OF DARIEN 2009-2010 BUDGET.**

ORDINANCE

BACKGROUND

The Council concurred on a number of budget revisions at the October 19th Council meeting. The attached ordinance reflects those revisions.

STAFF RECOMMENDATION

The Council reached a consensus on the amendment.

ALTERNATE CONSIDERATION

Revise amendment.

DECISION MODE

This item will be placed on the agenda for the November 2, 2009 City Council agenda for formal approval.

CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
CITY OF DARIEN 2009-2010 BUDGET**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN**

THIS 2nd DAY OF NOVEMBER, 2009

**Published in pamphlet form by authority of the Mayor
and City Council of the City of Darien, DuPage County,
Illinois, this _____ day of _____, 2009.**

**AN ORDINANCE AMENDING THE
CITY OF DARIEN 2009-2010 BUDGET**

WHEREAS, pursuant to Ordinance No. O-07-09 the City Council of the City of Darien adopted the annual budget for the 2009-10 fiscal year; and

WHEREAS, the budget was based in part on projected revenues to be received from State sources such as the income tax and the sales tax;

WHEREAS, due to the general national economic decline these and other revenues have fallen short of

expectation; and

WHEREAS, the City Council has determined that it is reasonable and appropriate to amend the budget in order to make the necessary revenue and expenditure adjustments;

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

Section 1: Budget Amendment Adopted. The City of Darien's 2009-10 budget is hereby amended in accordance with [Exhibit 1](#), attached hereto and made a part hereof.

Section 2: Effective Date. This Ordinance 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 2nd day of November, 2009.

AYES: _____

NAYS: _____

ABSENT: _____

-

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 2nd day of November, 2009.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE F. COLEMAN, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

City of Darien

BUDGET REDUCTION FISCAL YEAR ENDING 4-30-2010

EXHIBIT A

APPROVED REDUCTIONS	Department	FYE 4-30-10	Budget	FYE 4-30-10	
		Approved Budget	Reduction	Revised Budget	
1	Contingency	Admin -10-4330	\$20,000	\$15,000	\$5,000
2	Travel Meetings - Misc Meetings	Admin-10-4265	\$2,500	\$1,000	\$1,500
3	Training & Education- Local Training	Admin-10- 4263	\$4,500	\$2,000	\$2,500
4	Training & Education- Tuition Reim.	Admin-10- 4263	\$2,000	\$2,000	\$0
5	Public Relations - Employee Events	Admin- 10-4239	\$3,000	\$2,000	\$1,000
6	Public Relations - Informational Flyers	Admin- 10-4239	\$1,000	\$1,000	\$0
7	Liability- Safety Committee	Admin-10- 4219	\$500	\$500	\$0
8	Training & Education	Council- 12-4263	\$500	\$500	\$0
9	Public Relations- Arbor Day	Council- 12-4239	\$500	\$500	\$0
10	Training and Education- APA Conference	Com Dev 20-4263	\$1,200	\$1,200	\$0
11	Travel Meetings - APA Conference	Com Dev 20-4265	\$500	\$500	\$0
12	Maintenance- Building-- Gas Pumps Pad	Streets - 30-4223	\$25,000	\$7,500	\$17,500
13	Maintenance- Building-- PD Ramp Repair	Streets - 30-4223	\$3,000	\$3,000	\$0
14	Training and Education- Tuition Reim.	Streets - 30-4263	\$2,000	\$2,000	\$0
15	Training and Education- Computer Training	Streets - 30-4263	\$700	\$700	\$0
16	Training and Education- Mgt Seminars	Streets - 30-4263	\$2,000	\$2,000	\$0
17	Consulting/ Prof. Services- Storm Atlas	Streets - 30-4325	\$15,000	\$10,000	\$5,000
18	Forestry - Tree Replacement 75th Street	Streets - 30-4350	\$7,000	\$3,500	\$3,500
19	Street Light Operations- Replace lenses	Streets - 30-4359	\$17,500	\$17,500	\$0
20	Tree Trimming - 1750 Trees Trimmed	Streets - 30-4375	\$43,750	\$43,750	\$0
21	Tree Trimming - Removals	Streets - 30-4375	\$30,000	\$20,000	\$10,000
22	Tree Trimming - Stumping	Streets - 30-4375	\$2,800	\$2,000	\$800
23	Tree Trimming - 75th Street Trees	Streets - 30-4375	\$6,090	\$6,090	\$0
24	Personnel-Salaries (defer hiring 1 position)	Wtr Fund- 50-4010	\$509,000	\$28,000	\$481,000
25	Personnel-Social Sec. (defer hiring 1 position)	Wtr Fund- 50-4110	\$35,700	\$3,000	\$32,700
26	Personnel-imrf (defer hiring 1 position)	Wtr Fund- 50-4010	\$55,000	\$3,000	\$52,000
27	Hydrant Painting	Wtr-Depc Fund	\$114,680	\$114,680	\$0
28	Sedcom- Annual Sedcom Dues	Police - 40-4370	\$26,400	\$26,400	\$0
29	Uniforms- New Swat Officer	Police- 40-4269	\$5,000	\$5,000	\$0
30	Travel Meetings - National Conference	Police-40-4265	\$1,500	\$1,500	\$0
31	Travel Meetings - 100 Club	Police-40-4265	\$600	\$600	\$0
32	Bld Maintenance - Tower Repair	Police- 40-4223	\$25,000	\$25,000	\$0
33	Bld Maintenance - Carpeting	Police- 40-4223	\$14,000	\$14,000	\$0
34	Salaries- Part Time	Police- 40-4010	\$55,968	\$28,968	\$27,000
35	Auxiliary Police - 2 new replacement	Police- 40-4203	\$3,000	\$3,000	\$0
Subtotal - Replacement			\$1,036,888	397,388	639,500

-
AGENDA MEMO
City Council
November 2, 2009

ISSUE STATEMENT

-
A resolution authorizing the City Administrator to enter into an agreement with Commonwealth Edison to bury utility lines along 75th Street, subject to Attorney review.

RESOLUTION

BACKGROUND/HISTORY

Commonwealth Edison is currently completing an upgrade to existing service by adding 1800 feet of overhead power lines on the North side of 75th Street from Adams to Darien Lane. Due to existing Illinois Commerce Commission rules, these lines would be added overhead because this is the lowest cost option to complete the project. The concern of the overhead lines is the negative impact it would have on the aesthetics of the 75th Street and Cass Avenue area.

Commonwealth Edison estimated the additional cost to bury the lines would be approximately \$80,000. This could be either paid by the City of Darien or passed through to electric consumers in the community based on their kilowatt hour usage. If it were passed through to consumers, it would be passed through as the work was completed, with a lag of 2-3 months. If the project ended up costing the \$80,000 estimate and took two months to complete, it would cost each household approximately \$4.58 per month for two months. This estimate is on the high side since it doesn't take into account the amount that would be paid by commercial and office units.

If the project were paid using City funds, Staff would recommend using \$50,000 anticipated for economic development of the business district (line item 10-4325), which this area is part, and \$43,750 in tree trimming (line item 30-4375) which had previously been identified as a potential cut. The additional funds are requested as the \$80,000 is only an estimate. If the City Council chooses the direct pay option, staff is also exploring the option of completing the project with a combination of current employees and contractors. If staff can complete this job for less than \$80,000, the remainder of this money would remain in the budget. The agreement from ComEd has not been submitted to the City, therefore, the approval resolution make the approval contingent on attorney review.

STAFF/COMMITTEE RECOMMENDATION

This item was not discussed at the committee level due to the urgent timeframe.

ALTERNATE CONSIDERATION

Allowing the lines to be placed overhead would be an alternate consideration.

DECISION MODE

- This item will be on the agenda for the November 2, 2009 City Council meeting agenda for formal action.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH COMMONWEALTH EDISON OR TO EXPEND FUNDS TO BURY UTILITY LINES THAT WOULD OTHERWISE BE ADDED AS OVERHEAD POLES ON 75TH STREET, SUBJECT TO ATTORNEY REVIEW

WHEREAS, Commonwealth Edison is upgrading service to the City of Darien; and

WHEREAS, current Illinois Commerce Commission rules require the lowest cost option be used when completing projects; and

WHEREAS, the area in question on the North side of 75th Street is part of the business district in the Comprehensive Plan; and

WHEREAS, the City of Darien is interested in maintaining this area free from overhead lines and protecting existing trees and vegetation

NOW, THEREFORE, BE IT RESOLVED,

The City Administrator is authorized to enter into an agreement with Commonwealth Edison or to expend funds to bury utility lines that would otherwise be added as overhead poles on 75th Street, subject to Attorney review.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY,

ILLINOIS, this 2nd day of November, 2009.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,

ILLINOIS, this 2nd day of November, 2009.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE F. COLEMAN, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY