

The proceedings of the County Board of DuPage County at a Regular meeting held at the DuPage Center, 421 North County Farm Road, Wheaton, Illinois, on Tuesday, June 9, 2009 at 10:00 A.M.

Meeting called to order with Chairman Schillerstrom presiding.

On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay were present. Members Gilgis and Zediker were not present at the time of roll call.

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John Kos, Director of Transportation and Operations, presented a 25 year anniversary award to Kevin Diana.

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Chairman Schillerstrom presented Certificates of Appreciation to 4th and 5th grade students from Pioneer School in West Chicago who have created a project called Pioneer Assisting the Homeless Shelter (P.A.T.H.S.). Care packages, called Hug in a Bag, are donated to the homeless shelter and contain items that a person arriving at a homeless shelter might be in need of (personal toiletries, a blanket and an inspirational note from the students). The bags were stocked through fundraising efforts and donations from the community.

The following students submitted their project to the Community Problem Solving branch of Illinois Future Problem Solving and were honored as State Champions at the junior level of this academic/service activity:

D'riah McCarroll	Christopher Reyes
Lourdes Rosales	Gabby Gallegos
Tito Casa	Taylor Deehaeseleer
Nayeli Lara	Theresa Carriveau

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Chairman Schillerstrom introduced James Huck, the Chairman of the Blue Ribbon Panel on the Convalescent Center, who presented a report on the future of the Convalescent Center.

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Chairman Schillerstrom announced that, as part of his transparency program, the changes to the Freedom of Information Act, legally taking effect on January 1, 2010, will take effect immediately in all County offices.

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The following people voiced public comment regarding the proposed Zoning Text Amendments:

Jim Ryan	John Hugunin
Karen Comiskey	Mark Perry
Karen Hill	Kerry Perry

and the following on various other issues:

Sharon Seremek	- Closing of Pet Rescue
Phyllis Zimmer	- Flooding in Willowbrook
Michael Hoffmann	- Flooding caused by Fawell Dam
Kris Nesheim	- Closing of Pet Rescue

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Member Zay moved, seconded by Member McMahon, that the Consent Calendar be approved. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Sheahan and Zay voted "aye." Members Gilgis, Healy, Redick and Zediker were not present at the time of roll call. Motion carried.

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CONSENT CALENDAR

County Board Minutes of April 14 and 28, 2009 were approved.

Committee Minutes Placed on File by Consent

Finance Committee: May 12, 2009  
 Development Committee: May 19, 2009  
 Judicial/Public Safety Committee: May 19, 2009  
 Strategic Planning Committee: April 14, 2009  
 Technology Committee: May 12, 2009  
 Transportation Committee: May 19, 2009

Reports Placed on File by Consent

Public Defender Case & Client Analysis: April, 2009

Claims Approved by the Finance Committee

County Board Claims of May 26 and June 2, 2009 were approved.

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Member O'Shea moved, seconded by Member McMahon, that Resolution #CB-0055-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski and Zay voted "aye." Members Gilgis, Healy, Redick, Sheahan and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
CB-0055-09

ACCEPTANCE OF RECOMMENDATIONS OF THE BLUE RIBBON PANEL  
ON THE CONVALESCENT CENTER

WHEREAS, the County Board Chairman appointed a ten-member Blue Ribbon Panel in February of 2008 and assigned to this Panel the responsibility of: (a) evaluating the current and future needs of DuPage Convalescent Center (DPCC) residents; (b) examining options for the ownership, management and operation of the DPCC; (c) reviewing needs for maintenance and capital improvements of the DPCC; (d) providing guidance regarding the vacant space at the DPCC and (e) making recommendations regarding the County's financial support of the DPCC; and

WHEREAS, said Blue Ribbon Panel was made up of experts in a wide variety of fields including long-term care, health and wellness, housing, business and finance, the law and education; and

WHEREAS, said Blue Ribbon Panel also reviewed relevant research and information provided by organizations and individuals with expertise in long term care management and financing, brokering of long term care facilities, affordable senior housing and other areas of interest in order to fully consider all future options for the DPCC; and

WHEREAS, a report of the Blue Ribbon Panel's findings, dated May 6, 2009 attached hereto and made a part of this

Resolution, has been completed and was presented to the County Board Chairman, the County Health and Human Services Committee and the County Board.

NOW THEREFORE BE IT RESOLVED by the DuPage County Board that said report of the Blue Ribbon Panel on the Convalescent Center, dated May 6, 2009, is hereby approved, along with its recommendations, which are stated as:

1. The mission of the DPCC regarding people served should continue to focus on the underserved;
2. The quality of care at the DPCC should be preserved;
3. A detailed capital improvement plan for the DPCC should be developed;
4. The County should seek to maximize patient revenue, which means focusing primarily on increasing Medicaid reimbursement;
5. The County should evaluate the financial benefits of additional support to the DPCC Foundation;
6. The DPCC should not be sold and it should not be closed; and
7. The County should continue its financial support of the DPCC.

BE IT FURTHER RESOLVED that the County Clerk be directed to send copies of this Resolution to the County Board Chairman, the County Board, the DuPage Convalescent Center and Finance.

Approved and adopted this 9th day of June, 2009, at Wheaton, Illinois.

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Member O'Shea moved, seconded by Member Puchalski, that Resolution #CB-0056-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski and Zay voted "aye." Members Gilgis, Healy, Redick, Sheahan and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

CB-0056-09

EXPANDED BOARD OF REVIEW  
APPOINTMENT OF 9 MEMBERS - LIST ATTACHED

WHEREAS, 35 ILCS 200/6-25 provides that whenever the number of complaints filed with the Board of Review relating to the assessment of property has caused a need for an Expanded Board of Review, the County Board Chairman may appoint additional members to hold separate hearings on complaints; and

WHEREAS, such a situation now exists; and

WHEREAS, Robert J. Schillerstrom, County Board Chairman, has submitted a list of 9 appointments to be Members of the Expanded Board of Review attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the County Board of DuPage County that the attached list of appointments to the Expanded Board of Review be and are hereby appointed to serve as members with terms expiring May 31, 2010; and

BE IT FURTHER RESOLVED that compensation for said members of the Expanded Board of Review shall be One hundred Twenty-five dollars (\$125.00) for each day so employed, and traveling expenses shall be reimbursed at the rate per mile approved by the County Board; and

BE IT FURTHER RESOLVED that the "Notice of Appointment" be attached hereunto and made a part of this Resolution; and

BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this Resolution to each name on the attached list.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Fichtner moved, seconded by Member McMahon, that Resolution #FI-0071-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski and Zay voted "aye." Members Gilgis, Healy, Redick, Sheahan and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

FI-0071-09

BUDGET TRANSFERS-VARIOUS FUNDS AND DEPARTMENTS

FISCAL YEAR 2009

\*New Account

WHEREAS, it appears that certain appropriations for various County funds and departments are insufficient to cover necessary expenditures for the balance of the 2009 fiscal year; and

WHEREAS, it appears that there are other appropriations within these funds and departments from which transfers can be made at the present time to meet the need for funds; and

WHEREAS, in order to carry on County business, it is necessary to assign an additional account number to the SHERIFF'S POLICE VEHICLE FUND.

NOW, THEREFORE, BE IT RESOLVED by the DuPage County Board that the County Finance Director assign account number 2020 Furnishings, Machinery and Equipment-SV to 152-413 Sheriff's Police Vehicles in the SHERIFF'S POLICE VEHICLE FUND; and

BE IT FURTHER RESOLVED that the transfers on the attached schedule be made within the indicated funds and departments.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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SCHEDULE OF TRANSFERS  
FISCAL YEAR 2009

STORMWATER MANAGEMENT

<u>04-205 Stormwater Management Projects</u>			
To:	04-205-3410	Electricity	\$ 99,295.00
From:	04-205-3210	Mileage/Travel Expenses	\$ 2,913.00
	04-205-3790	Contingencies	90,000.00
	04-205-4250	Automotive Equipment	6,382.00
	the sum of NINETY-NINE THOUSAND, TWO HUNDRED NINETY-FIVE AND NO/100 DOLLARS (\$99,295.00)		

SHERIFF'S POLICE VEHICLE FUND

<u>152-413 Sheriff's Police Vehicles-*New Account</u>			
To:	152-413-2020	Furnishings, Machinery and Equipment-SV*	\$ 10,220.00

From: 152-413-2150 Cleaning Supplies \$ 2,420.00  
 152-413-3691 Repair/Maintenance  
 Automotive/Motorized  
 Equipment 7,800.00  
 the sum of TEN THOUSAND, TWO HUNDRED  
 TWENTY AND NO/100 DOLLARS (\$10,220.00)

PUBLIC WORKS BOND FUND

31-213 Public Works Sewer

To: 31-213-3050 Engineering/Architectural  
 Services \$ 40,000.00  
 From: 31-213-3600 Maintenance Buildings and  
 Related \$ 40,000.00  
 the sum of FORTY THOUSAND AND  
 NO/100 DOLLARS (\$40,000.00)

LOCAL GASOLINE TAX FUND

41-226 Local Gasoline Tax Operations

To: 41-226-4900 Township Mft Construction \$ 535,000.00  
 From: 41-226-4130 Road, Signal and Related  
 Construction \$ 535,000.00  
 the sum of FIVE HUNDRED THIRTY-FIVE  
 THOUSAND AND NO/100 DOLLARS (\$535,000.00)

CORPORATE FUND

01-792 Corporate Fund-Capital

01-420 State's Attorney

To: 01-792-4230 Data Processing Equipment \$ 80,291.00  
 From: 01-420-3078 New Program Requests-  
 Contractual \$ 40,291.00  
 01-420-4078 New Program Requests-  
 Capital 40,000.00  
 the sum of EIGHTY THOUSAND, TWO HUNDRED  
 NINETY-ONE AND NO/100 DOLLARS (\$80,291.00)

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Member Fichtner moved, seconded by Member Kurzawa, that Resolution #FI-0074-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Sheahan and Zay voted "aye." Members Gilgis, Healy, Redick and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

FI-0074-09

ACCEPTANCE AND APPROPRIATION OF THE  
TITLE IV-D PROGRAM - PY 2010  
FUND 65 - AGENCY 854  
\$583,013

(Under the administrative direction of the  
DuPage County State's Attorney's Office)

WHEREAS, the County of DuPage through the DuPage County State's Attorney's Office has been advised that funding in the amount of \$583,013.00 (FIVE HUNDRED EIGHTY-THREE THOUSAND, THIRTEEN and NO/100 DOLLARS) is available from the Illinois Department of Healthcare and Family Services to be used for the express purpose of the Title IV-D child support enforcement efforts; and

WHEREAS, to accept the funding, the DuPage County State's Attorney must enter into a renewal of Intergovernmental Agreement No. 2008-55-013-KC with the Illinois Department of Healthcare and Family Services; and

WHEREAS, Intergovernmental Agreement No. 2008-55-013-K3C which is to be administered by the DuPage County State's Attorney's Office on behalf of DuPage County, is attached to and incorporated by reference (Attachment II) in this Resolution; and

WHEREAS, the term of Intergovernmental Agreement No. 2008-55-013-K3C is from July 1, 2009 through June 30, 2010; and

WHEREAS, no additional County funds are required to receive this funding; and

WHEREAS, the County of DuPage finds that the need to appropriate said funds, provided by Intergovernmental Agreement No. 2008-55-013-K3C creates an emergency within the meaning of the Budget Act (Illinois Compiled Statutes, Chapter 55, ILCS 5/6-1003).

NOW, THEREFORE, BE IT RESOLVED that the attached additional appropriation (Attachment I) in the amount of \$583,013.00 (FIVE HUNDRED EIGHTY-THREE THOUSAND, THIRTEEN and NO/100 DOLLARS) be made to establish the TITLE IV-D PROGRAM - PY 2010 - FUND 65, AGENCY 854 for the period of July 1, 2009 to June 30, 2010; and

BE IT FURTHER RESOLVED by the DuPage County Board that Intergovernmental Agreement No. 2008-55-013-K3C be accepted; and

BE IT FURTHER RESOLVED that if and when state and/or federal funding cease for this grant, the Judicial/Public Safety Committee shall review the need for continuing the specified program and head count; and

BE IT FURTHER RESOLVED that should the Judicial/Public Safety Committee determine the need for other funding is appropriate, it may recommend action to the County Board by Resolution.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Fichtner moved, seconded by Member Kurzawa, that Resolution #FI-0077-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Sheahan and Zay voted "aye." Members Gilgis, Healy, Redick and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

FI-0077-09

ACCEPTANCE AND APPROPRIATION OF THE  
NATIONAL SPATIAL INFRASTRUCTURE PROGRAM  
2009 CAP GRANT CATEGORY 7 AWARD  
FUND 109 - AGENCY 623  
\$75,000

(Under the administrative direction of the  
DuPage County GIS Department)

WHEREAS, the County of DuPage through the DuPage County GIS Department has been advised that funding in the amount of \$75,000.00 (SEVENTY-FIVE THOUSAND and NO/100 DOLLARS) is available from the U.S. Department of the Interior U.S. Geological Survey to be used to synchronize GIS data for Transportation Networks, Structures, and Boundaries between the County, the State of Illinois and the Federal Government; and

WHEREAS, to accept this grant award the County must agree to accept the "ASSISTANCE AWARD" of Cooperative Agreement No. G09AC00080, a copy of which is attached to and incorporated as a part of this Resolution by reference (Attachment); and

WHEREAS, the term of grant agreement is from May 8, 2009 through May 7, 2010; and

WHEREAS, this grant requires a 50% (FIFTY PERCENT) matching amount of \$37,500.00 (THIRTY-SEVEN THOUSAND, FIVE HUNDRED and NO/100 DOLLARS) from the County, which can be met by funding or

the providing of "in-kind" services such as County GIS staff time; and

WHEREAS, the County Board finds that the need to appropriate said grant funds creates an emergency within the meaning of the Budget Act (Illinois Compiled Statutes, Chapter 55, ILCS 5/6-1003).

NOW, THEREFORE, BE IT RESOLVED by the DuPage County Board that the grant award and the associated "ASSISTANCE AWARD" (Attached) be accepted; and

BE IT FURTHER RESOLVED by the DuPage County Board that an additional appropriation in the amount of \$75,000.00 (SEVENTY-FIVE THOUSAND and NO/100 DOLLARS) be made to create the National Spatial Infrastructure Program 2009 CAP Grant Category Award - Fund 109, Agency 623, Object 3090; and

BE IT FURTHER RESOLVED that should State and/or federal funding cease for this specific grant, the Technology and/or Finance Committee shall review the need for continuing the specified program; and

BE IT FURTHER RESOLVED that should the Technology and/or Finance Committee determine the need for other funding is appropriate, it may recommend action to the County Board by Resolution.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Fichtner moved, seconded by Member McMahon, that Resolution #FI-0072-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Sheahan and Zay voted "aye." Members Gilgis, Redick and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
FI-0072-09  
Placing Names on Payroll

WHEREAS, the DuPage County Board heretofore adopted a position classification and Pay Plan for all County employees.

NOW, THEREFORE BE IT RESOLVED that the names as specified below be placed on the regular or temporary payroll at the salaries, classifications, and with the effective date as more particularly set forth below:

CORPORATE FUND

REPLACEMENTS

FACILITIES MANAGEMENT 01-700

Effective June 15, 2009  
Aaron Lewis, Environmental Services Assistant Supervisor  
Class 4212, Range 108 at \$30,000 per year

HUMAN RESOURCES 01-750

Effective June 10, 2009  
Catherine Barth, Division Assistant I  
Class 1161, Range 109 at \$32,500 per year

INFORMATION TECHNOLOGY 01-730

Effective June 22, 2009  
Brian Heinz, Web Developer  
Class 1481, Range 313 at \$56,000 per year

SHERIFF'S OFFICE 01-400

Effective May 26, 2009  
Joseph Rodriguez, Deputy Sheriff  
Class 2232, Range 411 at \$48,060 per year

Effective May 27, 2009  
Natalie Sweeney, Radio Dispatcher  
Class 2242, Range 409 at \$32,198 per year

PROMOTIONS

SHERIFF'S OFFICE 01-400

Effective May 18, 2009  
Christine Deanda, Division Assistant I  
Class 1161, Range 109 at \$26,702 per year, from  
Class 1003, Range 108 at \$24,175 per year

TEMPORARY

FACILITIES MANAGEMENT 01-700

Effective June 15, 2009  
Lauren Smith, Housekeeper I  
Class 4210, Range 106 at \$18,200 per year

NON-CORPORATE FUND

6 MONTH PERFORMANCE/END OF PROBATION/END OF ONE YEAR/STATE  
CERTIFICATION/COMPLETION OF TRAINING STATUS INCREASE

COMMUNITY SERVICES/INFORMATION & REFERRAL 58-802

Effective May 31, 2009

Liduvina Duran-Arroyo, I&R Specialist  
Class 1912, Range 109 at \$30,599 per year, from  
\$30,147 per year (Merit Increase)

CONVALESCENT CENTER 23-4500

Effective May 3, 2009

Natalie Lewis, Certified Nursing Associate  
Class 4111, Range 108 at \$11.45 per hour, from  
\$11.22 per hour (Merit Increase)

Effective May 19, 2009

Maureen Curcio, Social Services Coordinator  
Class 4171, Range 110 at \$35,809 per year, from  
\$35,542 per year (Merit Increase)

Effective June 1, 2009

Tauren Bowen, Certified Nursing Associate  
Class 4111, Range 108 at \$24,116 per year, from  
\$23,877 per year (Merit Increase)

6 MONTH PERFORMANCE/END OF PROBATION/END OF ONE YEAR/STATE  
CERTIFICATION/COMPLETION OF TRAINING STATUS INCREASE

Effective June 2, 2009

Jane Smallwood, Recreation Therapy Coordinator  
Class 4163, Range 109 at \$28,900 per year, from  
\$28,614 per year (Merit Increase)

REPLACEMENTS

CONVALESCENT CENTER 23-450

Effective June 15, 2009

Lesley Gwynne, Sr. Staff Assistant  
Class 1003, Range 108 at \$12.50 per hour

Effective June 22, 2009

Antonio Sesma, Food Service Worker I  
Class 4231, Range 105 at \$8.02 per hour

PUBLIC WORKS 31-213

Effective June 15, 2009

Frank Oplawski, Water/Wastewater Maintenance Worker  
Class 3214, Range 209 at \$40,000 per year

Steve Reckinger, Water/Wastewater Maintenance Worker  
Class 3214, Range 209 at \$40,000 per year

WORKFORCE DEVELOPMENT 53-839

Effective June 15, 2009

Shannon Hainaut, Career Counselor I  
Class 1752, Range 110 at \$31,190 per year

Victoria Poselenzny, Career Counselor I  
Class 1752, Range 110 at \$31,190 per year

TEMPORARY

COMMUNITY SERVICES 53-802

Effective June 15, 2009

Joanna Martin, Social Services Assistant  
Class 1232, Range 108 at \$13.70 per hour

BE IT FURTHER RESOLVED that the County Clerk be directed to transmit copies of this Resolution to the Auditor, Treasurer, Finance Department, Human Resources Department and one copy to the County Board.

Approved and adopted this 9th day of June, 2009, at Wheaton, Illinois.

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Member Fichtner moved, seconded by Member McMahon, that Resolution #FI-0079-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Sheahan and Zay voted "aye." Members Gilgis, Redick and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
FI-0079-09  
PREVAILING RATE OF WAGES

WHEREAS, the State of Illinois has enacted "An act regulating wages of laborers, mechanics and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by any one under contract for public works", approved June 26, 1941, codified as

amended, 820 ILCS 130/1 et seq. (1993), formerly Ill. Rev. Stat., Ch. 48, par. 39s-1 et seq.; and

WHEREAS, the aforesaid Act requires that the County Board of DuPage County investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of said County employed in performing construction of public works for DuPage County.

NOW, THEREFORE, BE IT RESOLVED by the DuPage County Board:

SECTION 1: To the extent and as required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by State, County, City or any public body or any political subdivision or by any one under contract for public works", approved June 26, 1941, as amended, the general prevailing rate of wages in this locality-for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the County is hereby ascertained to be the same as the prevailing rate of wages for construction work in the DuPage County area as determined by the Department of Labor of the State of Illinois as of June of the current year a copy of that determination being attached hereto and incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all public works construction undertaken by DuPage County. The definition of any terms appearing in this Resolution which are also used in aforesaid Act shall be the same as in said Act.

SECTION 2: Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the County to the extent required by the aforesaid Act.

SECTION 3: The DuPage County Clerk shall publicly post or keep available for inspection by any interested party in the main office of this County this determination or any revision of such prevailing rate of wages. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

SECTION 4: The DuPage County Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

SECTION 5: The DuPage County Clerk shall promptly file a certified copy of this Resolution with both the Secretary of

State Index Division and the Department of Labor of the State of Illinois.

SECTION 6: The DuPage County Clerk shall cause to be published in a newspaper of general circulation within the area a copy of this Resolution, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body; and

BE IT FURTHER RESOLVED that the County Clerk be directed to transmit copies of this Resolution to all departments of the County, to the County Board and to all DuPage County Township Offices.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Fichtner moved, seconded by Member McMahon, that Tom Downing, Civil Chief, State's Attorney's Office, be authorized to meet with a client and attend a deposition in Port St. Lucie, Florida, June 6-8, 2009, expenses to include transportation, lodging and meals totaling \$711.00.

Member O'Shea questioned if this case concerned the tort fund. Chairman Schillerstrom replied that it did.

Fred Backfield, Chief Financial Officer, stated that this expense was paid out of the tort fund since it is relative to a court case regarding a former employee of the County.

Member Fichtner moved, seconded by Member McMahon, that Tom Downing, Civil Chief, State's Attorney's Office, be authorized to meet with a client and attend a deposition in Port St. Lucie, Florida, June 6-8, 2009, expenses to include transportation, lodging and meals totaling \$711.00. On voice vote, motion carried.

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Member Fichtner moved, seconded by Member McMahon, that Resolution #FIP-019B-06 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Sheahan and Zay voted "aye." Members Gilgis, Redick and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

Fip-019B-06

AMENDMENT TO RESOLUTION Fip-019A-06  
AWARDED TO SEYFARTH SHAW FOR LEGAL SERVICES  
RELATED TO LABOR RELATION

(DECREASE ENCUMBRANCE \$12,416.24 AND CLOSE CONTRACT)

WHEREAS, Resolution Fip-019-06 was approved and adopted by the County Board on February 14, 2006; and

WHEREAS, Resolution Fip-019A-06, extending the terms of the contract through November 30, 2008, was approved and adopted by the County Board on February 12, 2008; and

WHEREAS, the Finance Committee recommends changes as stated in the Change Order Notice to decrease the encumbrance in the amount of \$12,416.24 and close the contract awarded to Seyfarth Shaw for Finance.

NOW, THEREFORE BE IT RESOLVED, that the County Board adopts the Change Order Notice, dated March 27, 2009, to Purchase Order #E13323 awarded to Seyfarth Shaw, for legal services related to labor relations, to decrease the encumbrance in the amount of \$12,416.24 and close the contract awarded to Seyfarth Shaw for Finance, for a final contract total amount of \$37,583.76, a decrease of 24.83%.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Michelassi moved, seconded by Member Puchalski, that Resolution #CDC-013-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

CDC-013-09

AGREEMENT WITH RAY GRAHAM ASSOCIATION  
CD09-20b

WHEREAS, the Illinois General Assembly has granted COUNTY authority to make all contracts and do all other acts in

relation to the property and concerns of the County necessary to the exercise of its corporate powers (Illinois Compiled Statutes, Chapter 55, paragraphs 5/5-1005), and to enter into agreements for the purposes of receiving funds from the United States government under the "Housing and Community Development Act of 1974", and other subsequent housing acts, and may disburse those funds and other County funds for community development and other housing program activities (Illinois Compiled Statutes, Chapter 55, paragraph 5/5-1093); and

WHEREAS, COUNTY has applied for Community Development Funds and HOME Investment Partnerships Act Funds from the United States Department of Housing and Urban Development ("HUD") as provided by the Housing and Community Development Act of 1974, as amended (P.L. 93-383) and by the Cranston-Gonzalez National Affordable Housing Act, as amended (Title II, Pub.L. 101-625) (hereinafter referred to collectively as "ACTS"); and

WHEREAS, the COUNTY, as part of its application to HUD, has created a Housing Development Fund Program ("HDF") which is used to maintain and expand housing opportunities for low and moderate-income households ("HDF FUNDS"); and

WHEREAS, RAY GRAHAM ASSOCIATION has requested HDF funds in the amount of \$578,790.00; and

WHEREAS, the DuPage HOME Advisory Group and the County Development Committee have recommended HDF Funding in the amount of \$578,790.00 for said application; and

WHEREAS, project CD09-20b will consist of the rehabilitation of real property in the County of DuPage to be used as Community Integrated Living Arrangement; and

WHEREAS, RAY GRAHAM ASSOCIATION has approved an Agreement with the County covering the distribution and use of said grant funds.

NOW THEREFORE BE IT RESOLVED by the County Board that said Agreement between DuPage County and RAY GRAHAM ASSOCIATION, hereby incorporated by reference, is hereby approved; and

BE IT FURTHER RESOLVED, that the Chairman of the DuPage County Board is authorized and directed to execute the Agreement on behalf of DuPage County and the Clerk is hereby authorized and directed to attest to such execution and affix the official seal thereto; and

BE IT FURTHER RESOLVED, that the Chairman of the DuPage County Board is hereby authorized to approve amendments to project CD09-20b so long as such amendments further the completion of project CD09-20b and are in accordance with regulations applicable to the Community Development Block Grant

Program and are in accordance with the policies of DuPage County and the DuPage Community Development Commission; and

BE IT FURTHER RESOLVED that the County Clerk be directed to send certified copies of this Resolution to Linda S. Gurgone, Director, Ray Graham Association, 2801 Finley Road, Downers Grove, Illinois 60515 and Community Development.

Approved and adopted this 9th day of June, 2009, at Wheaton, Illinois.

--oo00oo--

Member Michelassi moved, seconded by Member McMahon, that Ordinance #ZP-Z08-098 (petitioner Strappazon) be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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O R D I N A N C E  
ZP-Z08-098  
Strappazon

WHEREAS, a public hearing was held on April 20, 2009 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 5:30 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

A Variation to reduce the side yard setback from 9.1 feet to 1 foot for an existing shed on the property hereinafter described:

LOT 6 IN HINSDALE TIMBERLAKE ESTATES UNIT NUMBER 8, A SUBDIVISION OF PART OF LOTS 8, 9, 10, 11, 56 AND 57, IN HINSDALE TIMBERLAKE ESTATES, IN SECTION 2, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 12, 1977 AS DOCUMENT R77-70118, IN THE TOWNSHIP OF DOWNERS GROVE, DU PAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on May 7, 2009 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that she seeks a variation from the required 9.1 feet to 1 foot to allow an existing "Rubbermaid" type shed to remain on the property.
2. That petitioner testified that she needs the shed on the property to house the furniture and equipment used in conjunction with an existing in ground pool on the property.
3. That petitioner testified that the only other location to place the shed where it would comply with the zoning regulations would be at the rear of the property. However, the property is located on Timber Lake.
  - a. As such, petitioner testified that locating the shed at the rear of the property would block not only petitioner's view of the lake but other neighbors view of the lake.
  - b. That there is common open space between the actual water level of the lake and properties along the lake. As such, placing the shed at the rear of the property would leave the shed and valuable items stored in the shed susceptible to theft and vandalism.
4. That petitioner testified that the shed is located adjacent to the property where there is a 6 foot tall solid masonry wall. As such, the property most impacted by the shed can not see the shed because the masonry wall obstructs the view.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Board of Appeals finds that petitioner has demonstrated the granting of the Variation will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the shed is relatively small in size and height and is located immediately adjacent to a 6 foot tall masonry

wall on the neighbors property which encumbers the neighbors line of sight and free flow of air and light more so than the shed.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER Z08-098 Strappazon  
 OWNER Janice M. Strappazon, 16W633 87th Street, Hinsdale, Illinois 60527  
 ADDRESS/LOCATION 16W633 87th Street, Hinsdale, IL 60527  
 PUBLICATION DATE Daily Herald: Liberty Suburban:  
 April 5, 2009 April 10, 2009  
 ZONING REQUEST Variation to reduce side yard setback from 9.1 feet to 1 foot for existing shed (Sec. 37-410.2)  
 PIN/TWSP./COUNTY 10-02-101-034 Downers Grove South  
 BOARD DISTRICT Township/District 3  
 ZONING/LUP R-3 Single Family 0-5 DU/AC  
 Residence  
 AREA/UTILITIES 24,930 sq. feet Water and Sewer  
 (.57 Acres)  
 PUBLIC HEARING April 20, 2009, 5:30 p.m.

ADDITIONAL INFORMATION:

Building: Have reviewed and no concerns.  
 DUDOT: Have reviewed and no concerns.  
 Health: Have reviewed and no concerns.  
 Stormwater: Have reviewed and no concerns.  
 Public Works Have reviewed and no concerns.  
 EXTERNAL:  
 Village of Objects to petition. See attached letter.  
 Willowbrook:  
 City of Darien: Not in planning jurisdiction. No comment.  
 DG Tsp Highway Have reviewed and no concerns.  
 School Dist. 180 Have reviewed and no concerns.

GENERAL BULK REQUIREMENTS:

REQUIREMENTS for accessory structure:	REQUIRED	EXISTING	PROPOSED
Front Yard:	30 feet	N/A	N/A
East Int. Side Yard:	9.1 feet	N/A	N/A
West Int. Side Yard:	9.1 feet	1 foot	1 foot
Rear Yard:	25 feet	N/A	N/A

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 Single Family Residence	Single Family Home	0-5 DU/AC
North	87th Street and beyond R-4 Single Family Residence	Single Family Home	0-5 DU/AC

South	R-3 Single Family Residence	Park	Open Space
East	R-3 Single Family Residence	Single Family Home	0-5 DU/AC
West	R-3 Single Family Residence	Single Family Home	0-5 DU/AC

WHEREAS, the Zoning Board of Appeals having considered in relation to the above and at the recommendation meeting held on May 7, 2009 recommends to approve the following zoning relief:

A Variation to reduce the side yard setback from 9.1 feet to 1 foot for an existing shed.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z08-098 Strappazon, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

WHEREAS, the County Board Development Committee on June 2, 2009 considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

A Variation to reduce the side yard setback from 9.1 feet to 1 foot for an existing shed.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z08-098 Strappazon, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

A Variation to reduce the side yard setback from 9.1 feet to 1 foot for an existing shed on the property hereinafter described:

LOT 6 IN HINSDALE TIMBERLAKE ESTATES UNIT NUMBER 8, A SUBDIVISION OF PART OF LOTS 8, 9, 10, 11, 56 AND 57, IN HINSDALE TIMBERLAKE ESTATES, IN SECTION 2, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 12, 1977 AS DOCUMENT R77-70118, IN THE TOWNSHIP OF DOWNERS GROVE, DU PAGE COUNTY, ILLINOIS; and

The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z08-098 Strappazon, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; Janice M. Strappazon, 16W633 87th Street, Hinsdale, Illinois 60527 and Downers Grove Township Assessor, 4340 Prince Street, Downers Grove, Illinois 60515.

Enacted and approved this 9th day of June, 2009, A.D.

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Member Michelassi moved, seconded by Member McMahon, that Ordinance #ZP-Z08-100 (petitioner Snell) be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon,

Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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O R D I N A N C E  
ZP-Z08-100  
Snell

WHEREAS, a public hearing was held on April 20, 2009 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 5:30 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

A Variation to reduce the side yard setback from 7 feet to 3 feet for an existing shed on the property hereinafter described:

ALL OF LOT 8 IN HEIDEMAN'S DIVISION OF LOT 14 IN GIBONS & NEPILS JEWELL ROAD SUBDIVISION, IN THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HEIDEMAN'S SUBDIVISION; and

WHEREAS, the Zoning Board of Appeals having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on May 7, 2009 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that she seeks the subject zoning relief to allow her to maintain an existing shed within 3 feet of the side property line.
2. That petitioner testified that when she purchased the property several years back there was a shed on the property in the same location as the existing shed and approximately 3 feet from the side property line.
3. That petitioner testified that the shed was dilapidated. As such, she removed the shed and had a new shed placed in the exact location as the old shed.
4. That petitioner testified that the shed was placed in the exact location as it afforded an existing pad to place the

new shed, was located in an area that screened the shed from existing properties with existing vegetation and is generally out of the line of site of adjacent homes as the shed is generally located towards the rear of the property.

5. That petitioner testified that the property is just over 20,000 square feet (20,720 sq. feet) and that if the property was 20,000 square feet in size a variation would not be required per the Zoning Ordinance as the required setback would be 3 feet from side property line.
  - a. That there are several properties in the adjacent area where the lots are less than 20,000 square feet in size and where sheds and other accessory buildings are setback generally at 3 feet. As such, petitioner testified that the proposed development will not be out of character with the general neighborhood.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Board of Appeals finds that petitioner has demonstrated the granting of the Variation will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the shed is located generally in the same location of a shed that existed on the property for approximately 30 years and apparently did not create an impact on adjacent properties.
  - b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the shed is located generally in the same location of a shed that existed on the property for approximately 30 years and apparently did not create an impact on adjacent properties.
  - c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the shed is located generally in the same location of a shed that existed on the property for approximately 30 years and apparently did not create an impact on adjacent properties.
  - d. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that the shed is



WHEREAS, the Zoning Board of Appeals having considered in relation to the above and at the recommendation meeting held on May 7, 2009 recommends to approve the following zoning relief:

A Variation to reduce side yard setback from 7 feet to 3 feet for existing shed.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z08-100 Snell, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

WHEREAS, the County Board Development Committee on June 2, 2009 considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

A Variation to reduce the side yard setback from 7 feet to 3 feet for an existing shed.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z08-100 Snell, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

A Variation to reduce the side yard setback from 7 feet to 3 feet for an existing shed on the property hereinafter described:

ALL OF LOT 8 IN HEIDEMAN'S DIVISION OF LOT 14 IN GIBONS & NEPILS JEWELL ROAD SUBDIVISION, IN THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID HEIDEMAN'S SUBDIVISION; and

The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z08-100 Snell, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; Pam Snell, 25W683 Jewell Road, Wheaton, Illinois 60187 and Milton Township Assessor, 1492 North Main Street, Wheaton, Illinois 60187.

Enacted and approved this 9th day of June, 2009, A.D.

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Member Michelassi moved, seconded by Member Puchalski, that Ordinance #ZP-Z08-102 (petitioner Coyle) be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "nay." Members Gilgis and Zediker were not present at the time of roll call. Motion lost.

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Member Michelassi moved, seconded by Member Puchalski, that Ordinance #ZP-Z09-003 (petitioner A & M Wood Products) be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon,

Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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O R D I N A N C E  
ZP-Z09-003  
A & M Wood Products

WHEREAS, a public hearing was held on April 9, 2009 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 7:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

1. Variation to reduce south side yard setback from 20 feet to 18.26 feet for an existing building; and
2. Variation from providing additional parking for proposed new warehouse building on the property hereinafter described:

THE EAST HALF OF THE SOUTH HALF OF THE EAST 660 FEET, MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE OF LOT 40 IN ASSESSMENT DIVISION OF PART OF SECTIONS 1 AND 2 AND PART OF SECTIONS 11 AND 12 LYING NORTH OF THE SANITARY DISTRICT OF CHICAGO, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on May 7, 2009 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that he is seeking to develop a new ancillary warehouse/storage facility on the property.
2. That petitioner testified that the proposed new building will meet all of the required bulk regulations (i.e. setbacks, height, FAR, etc.) per the County Zoning Ordinance.
3. That petitioner testified that when he applied for the permit for the new warehouse/storage building he was advised by the County Staff as follows:

- a. That there was an existing building on the property that never received a permit. That in order to receive a permit for the existing building the building must be at least 20 feet from the south side property line. That the existing building was in fact approximately 18.26 feet from the south side property line. As such, petitioner seeks a variation from 20 feet to 18.26 feet for an existing building in order for that building to obtain a building permit.
  - b. That the new warehouse/storage building would require 1 parking space per each 1,000 square feet of gross floor area or one (1) parking space per each two (2) employees, whichever is greater. The new facility is approximately 1,440 square feet in size. As such, petitioner is required to provide 1.5 additional parking spaces.
    - \* Petitioner testified that the new warehouse will provide new storage area for their millwork which currently occurs outside and in the open.
    - \* That the new facility would not require any new employees to serve in the facility nor would any new employees be hired relative to the new storage area.
    - \* As such, petitioner testified that they seek a variation so that they do not need to require additional parking spaces for the new warehouse/storage facility.
4. That petitioner testified that the existing facility has a parking lot which is considered legal non-conforming as the lot is partially gravel and not completely paved or striped.
- a. That petitioner testified that in the area where the parking lot exists and further to the east toward the public ROW is located in a floodplain. As such, petitioner testified that in order to provided additional parking they would be required to pave and stripe the entire parking lot which they could not do because the area is a floodplain.
  - b. That petitioner testified that there is no additional area on the property to move the parking lot out of the floodplain.
  - c. That petitioner testified that the variation in parking is necessary as no additional parking is needed relative to the existing use and the proposed new storage facility and to provide parking would

require additional variations to allow parking somewhere else on the property out of the floodplain.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER Z09-003 A & M Wood Products  
 OWNER Mel Marwitz, 9900 South Madison Street, Burr Ridge, Illinois 60527  
 ADDRESS/LOCATION 9900 S. Madison Street, Burr Ridge, IL 60527  
 PUBLICATION DATE Daily Herald: Liberty Suburban:  
 March 25, 2009 March 25, 2009  
 ZONING REQUEST Variation to reduce south side yard setback from 20 feet to 18.26 feet for existing building (Sec. 37-1001.4)  
 Variation from providing additional parking for proposed warehouse (Sec. 37-1203)  
 PIN/TWSP./COUNTY 10-11-204-045 Downers Grove North/  
 BOARD DISTRICT District 3  
 ZONING/LUP I-1 Light Industrial - Low Density  
 Industrial  
 AREA/UTILITIES 61,292 sq. feet Water and Sewer  
 (1.40 Acres)  
 PUBLIC HEARING April 9, 2009

ADDITIONAL INFORMATION:

Building: Have reviewed and no concerns. Minimum 30' between buildings required.  
 DUDOT: Have reviewed and no concerns  
 Stormwater: Have reviewed and no concerns  
 Public Works Have reviewed and no concerns  
 EXTERNAL:  
 Downers Grove Have reviewed and no concerns  
 Township Highway:  
 School Dist. 86: Have reviewed and no concerns  
 School Dist. 180: Have reviewed and no concerns

GENERAL BULK REQUIREMENTS:

REQUIREMENTS for	REQUIRED	EXISTING	PROPOSED
Buildings:			
Front Yard:	40 feet	71.11 feet	71.11 feet
South Int. Side Yard	20 feet	18.26 feet	20 feet
North Int. Side Yard:	20 feet	30.56 feet	30.56 feet
Rear Yard:	20 feet	21.55 feet	21.55 feet

LAND USE

Location	Zoning	Existing Use	LUP
Subject	I-1 Light Industrial	Industrial	Industrial - Low Density
North	I-1 Light Industrial	Industrial	Industrial - Low Density
South	I-1 Light Industrial	Industrial	Industrial - Low Density
East	Madison Street and Beyond I-1 Light Industrial	Industrial	Industrial - Low Density
West	I-1 Light Industrial	Industrial	Industrial - Low Density

WHEREAS, the Zoning Board of Appeals having considered in relation to the above and at the recommendation meeting held on May 7, 2009 recommends to approve the following zoning relief:

1. Variation to reduce south side yard setback from 20 feet to 18.26 feet for an existing building; and
2. Variation from providing additional parking for proposed new warehouse building.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-003 A & M Wood Products, dated April 9, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

WHEREAS, the County Board Development Committee on June 2, 2009 considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

1. Variation to reduce south side yard setback from 20 feet to 18.26 feet for an existing building; and
2. Variation from providing additional parking for proposed new warehouse building.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-003 A & M Wood Products, dated April 9, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

1. Variation to reduce south side yard setback from 20 feet to 18.26 feet for an existing building; and
2. Variation from providing additional parking for proposed new warehouse building on the property hereinafter described:

THE EAST HALF OF THE SOUTH HALF OF THE EAST 660 FEET, MEASURED ON THE NORTH LINE AND ON THE SOUTH LINE OF LOT 40 IN ASSESSMENT DIVISION OF PART OF SECTIONS 1 AND 2 AND PART OF SECTIONS 11 AND 12 LYING NORTH OF THE SANITARY DISTRICT OF CHICAGO, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS; and

The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-003 A & M Wood Products, dated April 9, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County

Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; Jeffrey Spirek, 30W270 Butterfield Road, #105, Warrenville, Illinois and Downers Grove Township Assessor, 4340 Prince Street, Downers Grove, Illinois 60515.

Enacted and approved this 9th day of June, 2009, A.D.

--oo00oo--

Member Michelassi moved, seconded by Member Fichtner, that Ordinance #ZP-Z09-004 (petitioner Jenner) be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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O R D I N A N C E  
ZP-Z09-004  
Jenner

WHEREAS, a public hearing was held on April 16, 2009 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 7:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Variation to reduce side yard setback from 3' to approximately 1' for a detached garage on the property hereinafter described:

OF LOTS 6 & 7 IN THE FIRST ADDITION TO PLEASANT HILL, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 9, 1925, AS DOCUMENT 195878, IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on May 7, 2009 does find as follows:

FINDINGS OF FACT:

1. That the petitioner has testified that she wishes to reduce her side yard setback from 3 feet to 1.25 feet for an existing garage.
2. That the petitioner has testified that she wishes to sell her house, as well as lot seven (7), so that she can move into Monarch Landing Retirement Community.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
  - a. That the petitioner has demonstrated a unique hardship or practical difficulty with the fact that lot seven (7) is currently a legal non-conforming lot. If any portion of lot seven (7) is divided and added to lot six (6), then lot seven (7) will no longer be a non-conforming lot.
2. That the Zoning Board of Appeals finds that petitioner has demonstrated the granting of the Variation will not:
  - a. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that she will meet all other County and Building codes.
  - b. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the garage will not diminish the value of land to any of the surrounding properties.
  - c. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the garage will not be located in the public right-of-way.
  - d. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the Stormwater Department does not have any concerns.
  - e. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the Health Department does not have any concerns.
  - f. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage

County as petitioner has demonstrated that the garage will be consistent with the character of the neighborhood.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER      Z08-009 Jenner  
 OWNER                      Kathrine S. Jenner, 26W304 Box Elder Avenue,  
                                     Wheaton, Illinois 60187  
 ADDRESS/LOCATION        26W304 Box Elder Avenue, Wheaton, IL 60187  
 PUBLICATION DATE        Daily Herald:                      March 31, 2009  
 ZONING REQUEST            Variation to reduce side yard setback from  
                                     3' to approximately 1' for a detached  
                                     garage. (Sec. 37-410.2)  
 PIN/TWSP./COUNTY      05-07-208-012; -013      Milton Township/  
 BOARD DISTRICT    District 4  
 ZONING/LUP                      R-3 Single Family              0-5 DU/AC  
                                     Residence  
 AREA/UTILITIES            21,396 sq. feet                      Water and Sewer  
                                     (.49 Acres)  
 PUBLIC HEARING            April 16, 2009

ADDITIONAL INFORMATION:

Building:                      Have reviewed and no concerns  
 DUDOT:                        Have reviewed and no concerns  
 Health:                        Have reviewed and no concerns  
 Stormwater:                 Have reviewed and no concerns  
 EXTERNAL:  
 Village of Carol              Have reviewed and no concerns  
 Stream:  
 Milton Township              Have reviewed and no concerns  
 Highway:

GENERAL BULK REQUIREMENTS:

REQUIREMENTS for	REQUIRED	EXISTING	PROPOSED
accessory structures:			
Front Yard:	30 feet	N/A	N/A
East Int. Side Yard:	3 feet	1 foot	1 foot
West Int. Side Yard:	3 feet	In Excess of 3 feet	In Excess of 3 feet
Rear Yard:	25 feet	In Excess of 25 feet	In Excess of 25 feet

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 Single Family Residence	Single Family Home	0-5 DU/AC
North	R-4 Single Family Residence	Single Family Home	0-5 DU/AC

South	Box Elder Avenue and Beyond No Zoning	Open Space	Open Space
East	R-4 Single Family Residence	Single Family Home	0-5 DU/AC
West	Box Elder Avenue and Beyond No Zoning	Open Space	Open Space

WHEREAS, the Zoning Board of Appeals having considered in relation to the above and at the recommendation meeting held on May 7, 2009 recommends the following zoning relief:

Variation to reduce side yard setback from 3' to approximately 1' for a detached garage.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-004 Jenner, dated April 16, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing full landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

WHEREAS, the County Board Development Committee on June 2, 2009 considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

Variation to reduce side yard setback from 3' to approximately 1' for a detached garage.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-004 Jenner, dated April 16, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

3. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing full landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Variation to reduce side yard setback from 3' to approximately 1' for a detached garage on the property hereinafter described:

OF LOTS 6 & 7 IN THE FIRST ADDITION TO PLEASANT HILL, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 9, 1925, AS DOCUMENT 195878, IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS; and

The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-004 Jenner, dated April 16, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing full landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Keya N. Willis, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; Kathrine S. Jenner, 26W304 Box Elder Avenue, Wheaton, Illinois 60187 and Milton Township Assessor, 1492 North Main Street, Wheaton, Illinois 60187.

Enacted and approved this 9th day of June, 2009, A.D.

--oo00oo--

Member Michelassi moved, seconded by Member McMahon, that Ordinance #ZP-Z09-023 (petitioner Atcha) be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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O R D I N A N C E  
ZP-Z09-023  
Atcha

WHEREAS, a public hearing was held on April 20, 2009 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 5:30 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

A Variation to reduce the side yard setback from 7.5 feet to 1 foot for an existing parking space on the property hereinafter described:

LOT 5 IN BLOCK 21 IN BUTTERFIELD UNIT NO. 7, BEING A SUBDIVISION OF PART OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22, 1964 AS DOCUMENT R64-21611, IN DU PAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on May 7, 2009 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that they recently purchased the property which consists of a home driveway and extended driveway beyond the garage which is used for parking.

2. That petitioner testified that when they purchased the property the subject parking area and drive was existing and consisted of a gravel base.
3. That petitioner testified that they applied for a building permit to pave the parking area and drive they were approved for the development.
  - \* That petitioner revised the plan and as part of the revision the permit application was rejected in zoning as the parking area was too close to the side property line per the County Zoning Ordinance.
4. That petitioner testified that they seek the zoning relief to allow them to retain the existing parking space in the required side setback.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Board of Appeals finds that petitioner has demonstrated the granting of the Variation will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the parking space has been in existence for at least 20 years as a gravel space and the new pave surface affords a better surface to park.
  - b. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the parking space has been in existence for at least 20 years as a gravel space and the new pave surface affords a better surface to park.
  - c. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the parking space has been in existence for at least 20 years as a gravel space and the new pave surface affords a better surface to park and enables the property owner to park on the property and not in the public right of way.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION  
CASE #/PETITIONER    Z09-023 Atcha

OWNER Rehana Atcha, 2S134 Valley Road, Lombard, Illinois 60148  
 ADDRESS/LOCATION 2S134 Valley Road, Lombard, IL 60148  
 PUBLICATION DATE Daily Herald: April 5, 2009  
 ZONING REQUEST Variation to reduce side yard setback from 7.5 feet to 1 foot for existing parking space (Sec. 37-704.3)  
 PIN/TWSP./COUNTY 05-25-203-012 Milton Township/  
 BOARD DISTRICT District 4  
 ZONING/LUP R-4 Single Family 0-5 DU/AC Residence  
 AREA/UTILITIES 10,874 (.24 Acres) Water and Sewer  
 PUBLIC HEARING April 20, 2009 5:30 p.m.

ADDITIONAL INFORMATION:

Building: Have reviewed and no concerns  
 DUDOT: Have reviewed and no concerns  
 Health: Have reviewed and no concerns  
 Stormwater: Have reviewed and no concerns  
 EXTERNAL:  
 Village of Lombard: As the Village of Lombard does not prohibit driveway encroachments into requisite interior side yards in single-family residence districts, as shown on the petitioner's concept plan, the Village does not object to relief requested by the petitioner. See attached letter.  
 Milton Tsp. Hwy: No objection to concept of the petition.

GENERAL BULK REQUIREMENTS:

REQUIREMENTS for parking space:	REQUIRED	EXISTING	PROPOSED
Front Yard:	30 feet	30 feet	N/A
North Int. Side Yard:	7.5 feet	1 foot	1 foot
South Int. Side Yard:	7.5 feet	N/A	N/A
Rear Yard:	25 feet	N/A	N/A

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 Single Family Residence	Single Family Home	0-5 DU/AC
North	R-4 Single Family Residence	Single Family Home	0-5 DU/AC
South	R-4 Single Family Residence	Single Family Home	0-5 DU/AC
East	R-4 Single Family Residence	Park	Open Space
West	Valley Road and Beyond R-4 Single Family Residence	Single Family Home	0-5 DU/AC

WHEREAS, the Zoning Board of Appeals having considered in relation to the above and at the recommendation meeting held on May 7, 2009 recommends to approve the following zoning relief:

A Variation to reduce the side yard setback from 7.5 feet to 1 foot for an existing parking space.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-023 Atcha, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

WHEREAS, the County Board Development Committee on June 2, 2009 considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

A Variation to reduce the side yard setback from 7.5 feet to 1 foot for an existing parking space.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-023 Atcha, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

A Variation to reduce the side yard setback from 7.5 feet to 1 foot for an existing parking space on the property hereinafter described:

LOT 5 IN BLOCK 21 IN BUTTERFIELD UNIT NO. 7, BEING A SUBDIVISION OF PART OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22, 1964 AS DOCUMENT R64-21611, IN DU PAGE COUNTY, ILLINOIS

The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-023 Atcha, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; Rehana Atcha, 2S134 Valley Road, Lombard, Illinois 60148 and Milton Township Assessor, 1492 North Main Street, Wheaton, Illinois 60187.

Enacted and approved this 9th day of June, 2009, A.D.

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Member Michelassi moved, seconded by Member McMahon, that Ordinance #ZP-Z09-024 (petitioner McAuley) be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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O R D I N A N C E  
ZP-Z09-024  
McAuley

WHEREAS, a public hearing was held on April 20, 2009 in the DuPage County Administration Building, 421 North County Farm

Road, Wheaton, Illinois at 5:30 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

A Variation to reduce the side yard setback from 3 feet to 1 foot for an existing deck on the property hereinafter described:

LOT 98 AND THE NORTH 28 FEET OF LOT 99 IN FIRST ADDITION TO GIBBONS AND NEPIL'S JEWELL ROAD SUBDIVISION IN SECTIONS 7 AND 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on May 7, 2009 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that she seeks a variation from the side yards setback from 3 feet to 1 foot for an existing deck.
2. That petitioner testified than when they purchased the property approximately 4 years ago a deck was existing on the property and was in fact over the property line.
3. That petitioner removed the deck as it was dilapidated and over the property line and built a new deck without a permit approximately in the same general location as the old deck but 1 foot off of the property line.
4. That petitioner testified that the new deck is necessary as the rear entrance to the house is located off of the deck.
5. That petitioner testified that the deck encroaches to within 1 foot only for a portion of the property as the property is irregular shaped with the lot line running at an angle to the home and the deck.
6. That petitioner testified that the previous deck had existed on the property for at least 13 years based on historic aerial views and was part of a property that was much larger. As such, the south side property line of the existing home was approximately 75 feet further to the south and adjacent to Mayflower Place.
  - a. That petitioner testified that the previous property owner sold off a portion of his property to the south

to create another lot of record and a new home was developed on the lot to the south.

- b. As such, the deck and even the home on the subject property were rendered legal non-conforming as to setback to the new south property line.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Board of Appeals finds that petitioner has demonstrated the granting of the Variation will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the new deck replaces an older deck that was on the property for at least 13 years and that older deck not the present deck impairs the circulation of light and air to and from adjacent properties.
  - b. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the existing deck was located over the property line. That petitioner's new deck at least removes any encroachments over property lines.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER	Z09-024 McAuley	
OWNER	Nicholene McAuley, 0N315 Pleasant Hill Road, Wheaton, Illinois 60187	
ADDRESS/LOCATION	0N315 Pleasant Hill Road, Wheaton, IL 60187	
PUBLICATION DATE	Daily Herald:	April 5, 2009
ZONING REQUEST	Variation to reduce side yard setback from 3 feet to 1 foot (Sec. 37-410.2)	
PIN/TWSP./COUNTY	05-07-403-015	Milton Township/
BOARD DISTRICT		District 4
ZONING/LUP	R-4 Single Family Residence	0-5 DU/AC
AREA/UTILITIES	11,376 sq. feet (.26 Acres)	Water and Septic
PUBLIC HEARING	April 20, 2009, 5:30 p.m.	

ADDITIONAL INFORMATION:

Building:	Have reviewed and no concerns
DUDOT:	Have reviewed and no concerns
Health:	Have reviewed and no concerns
Stormwater:	Have reviewed and no concerns

EXTERNAL:

Village of Carol Stream: Have reviewed and no concerns

Milton Township Highway: Have reviewed and no concerns

GENERAL BULK REQUIREMENTS:

REQUIREMENTS for Deck:	REQUIRED	EXISTING	PROPOSED
Front Yard:	30 feet	N/A	N/A
North Int. Side Yard:	3 feet	35 feet	57 feet
South Int. Side Yard:	3 feet	0 feet	1 foot
Rear Yard:	15 feet	51 feet	65 feet

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 Single Family Residence	Single Family Home	0-5 DU/AC
North	R-4 Single Family Residence	Single Family Home	0-5 DU/AC
South	R-4 Single Family Residence	Single Family Home	0-5 DU/AC
East	R-4 Single Family Residence	Single Family Home	0-5 DU/AC
West	Pleasant Hill Road and Beyond R-4 Single Family Residence	Single Family Home	0-5 DU/AC

WHEREAS, the Zoning Board of Appeals having considered in relation to the above and at the recommendation meeting held on May 7, 2009 recommends to approve the following zoning relief:

A Variation to reduce the side yard setback from 3 feet to 1 foot for an existing deck.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-024 McAuley, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

WHEREAS, the County Board Development Committee on June 2, 2009 considered the above findings and recommendations of the

Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

A Variation to reduce the side yard setback from 3 feet to 1 foot for an existing deck.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-024 McAuley, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

A Variation to reduce the side yard setback from 3 feet to 1 foot for an existing deck on the property hereinafter described:

LOT 98 AND THE NORTH 28 FEET OF LOT 99 IN FIRST ADDITION TO GIBBONS AND NEPIL'S JEWELL ROAD SUBDIVISION IN SECTIONS 7 AND 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z09-024 McAuley, dated April 20, 2009.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage

County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; Nicholene Mcauley, 0N315 Pleasant Hill Road, Wheaton, Illinois 60187 and Milton Township Assessor, 1492 North Main Street, Wheaton, Illinois 60187.

Enacted and approved this 9th day of June, 2009, A.D.

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Member McMahon moved, seconded by Member Puchalski, that Resolution #Jpp-037-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
Jpp-037-09

AWARDED TO LANDMARK FORD, INC.  
FOR PURCHASE OF (2) 2009 FORD E-350 VANS  
FOR DU PAGE COUNTY SHERIFF'S OFFICE  
(CONTRACT TOTAL AMOUNT \$42,794.00)

WHEREAS, bids were taken and processed in accordance with County Board policy; and

WHEREAS, the Judicial Public Safety Committee recommends County Board approval for the issuance of a contract purchase order to Landmark Ford, Inc., to provide (2) 2009 Ford E-350 Vans for the Sheriff's Office.

NOW, THEREFORE BE IT RESOLVED, that County Requisition #15606, dated May 21, 2009, covering said, to provide (2) 2009 Ford E-350 Vans for the Sheriff's Office, be, and it is hereby approved for issuance of a contract purchase order by the Procurement Division to Landmark Ford, Inc., for a contract total amount of \$42,794.00.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

--oo00oo--

Member McMahon moved, seconded by Member Zay, that Resolution #Jpp-038-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

Jpp-038-09

AWARDING RESOLUTION TO LESLIE E. KANE FOR  
A FULL TIME FORENSIC PSYCHOLOGIST  
(CONTRACT TOTAL AMOUNT: \$73,000.00)

WHEREAS, an agreement has been negotiated in accordance with County Board policy; and

WHEREAS, the Judicial/Public Safety Committee recommends County Board approval for the issuance of a contract purchase order to Leslie E. Kane, to provide a full time Forensic Psychologist, to provide psychological evaluations, testing and recommendations for offenders that are referred by the court, for DuPage County Probation and Courts Services.

NOW, THEREFORE BE IT RESOLVED, that County Requisition #15607, dated May 22, 2009, covering said, to provide a full time Forensic Psychologist, to provide psychological evaluations, testing and recommendations for offenders that are referred by the court, through a court order for a psychological assessment and/or evaluation, for the period April 14, 2009 through April 14, 2010, for the DuPage County Probation and Court Services, be, and it is hereby approved for issuance of a contract purchase order by the Procurement Division to Leslie E. Kane, 4N880 West Mary Drive, St. Charles, Illinois 60174, for a contract total amount of \$73,000.00.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

--oo00oo--

Member McMahon moved, seconded by Member O'Shea, that Kerry Vinkler, Director of Animal Care and Control, be authorized to attend the 2009 Prairie States Animal Welfare Conference on June 14, 2009 in Moline, Illinois. Expenses to include

transportation, lodging and meals for a total of \$697.50. On voice vote, motion carried.

--oo00oo--

Member McMahon moved, seconded by Member O'Shea, that Marta Bleich be authorized to attend a FEMA technical working group to develop updated Community Preparedness capabilities as part of the FEMA Target Capabilities List Implementation Project from June 29 through July 1, 2009 in Denver, Colorado. FEMA will process and reimburse participants for all travel expenses related to the project. On voice vote, motion carried.

--oo00oo--

Member McMahon moved, seconded by Member O'Shea, that Marta Bleich be authorized to attend the 2009 National Conference on Community Preparedness "The Power of Citizen Corps" from August 9-12, 2009 in Washington, D.C. Expenses to include transportation, lodging and meals for a total of \$1,210.50. Citizen Corps grant funds have been budgeted for this expense. On voice vote, motion carried.

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Member Olson moved, seconded by Member Healy, that Resolution #Fmp-022A-05 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
Fmp-022A-05

AMENDMENT TO AGREEMENT FOR LEASE OF SATELLITE TRAFFIC COURT FACILITY BETWEEN THE VILLAGE OF GLENDALE HEIGHTS AND THE COUNTY OF DU PAGE  
(DECREASE ENCUMBRANCE \$7,506.06 AND CLOSE CONTRACT)

WHEREAS, Resolution Fmp-022-05 was approved and adopted by the County Board on April 12, 2005; and

WHEREAS, the Public Works Committee recommends changes as stated in the Change Order Notice to Contract #U12693, issued to the Village of Glendale Heights, for lease of satellite traffic court facilities at the Village of Glendale Heights Civic Center, for the period April 1, 2005 through March 31, 2009, to decrease the encumbrance in the amount of \$7,506.06 and close the contract for Facilities Management.

NOW, THEREFORE BE IT RESOLVED, that County Board adopts Change Order Notice, dated May 18, 2009, to Contract #U12693, issued to the Village of Glendale Heights, for lease of satellite traffic court facilities at the Village of Glendale Heights Civic Center, to decrease the encumbrance in the amount of \$7,506.06 and close the contract for Facilities Management, resulting in a final contract total amount of \$169,913.94, a decrease of 4.23%.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

--oo00oo--

Member Olson moved, seconded by Member Healy, that Resolution #FMp-022A-08 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

FMp-022A-08

AMENDMENT TO RESOLUTION FMp-022-08  
ISSUED TO BEST TECHNOLOGY SYSTEMS, INC.  
PISTOL RANGE MAINTENANCE SERVICES  
FOR FACILITIES MANAGEMENT  
(DECREASE ENCUMBRANCE \$7,206.02 AND CLOSE CONTRACT)

WHEREAS, Resolution FMp-022-08 was approved and adopted by the County Board on May 13, 2008; and

WHEREAS, the Public Works Committee recommends changes as stated in the Change Order Notice to Contract #A14825, issued to Best Technology Systems, Incorporated, for performance of pistol range maintenance services for the Sheriff's Department, for a one year period, from May 1, 2008 through April 30, 2009, to decrease the encumbrance for items ordered and monies not

expended, in the amount of \$7,206.02, and close the contract for Facilities Management.

NOW, THEREFORE BE IT RESOLVED, that County Board adopts Change Order Notice, dated May 20, 2009, to Contract #A14825, issued to Best Technology Systems, Incorporated, for performance of pistol range maintenance services for the Sheriff's Department, to decrease the encumbrance in the amount of \$7,206.02 and close the contract for Facilities Management, resulting in a final contract total amount of \$15,693.98, a decrease of 31.46%.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Olson moved, seconded by Member Healy, that Resolution #Fmp-029A-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

Fmp-029A-09

AMENDMENT TO RESOLUTION Fmp-029-09  
ISSUED TO LANDMARK FORD, INCORPORATED  
TO PURCHASE FOUR 2009 FORD E-150 CARGO VANS  
FOR FACILITIES MANAGEMENT  
(INCREASE ENCUMBRANCE \$5,096.00)

WHEREAS, Resolution Fmp-029-09 was approved and adopted by the County Board on April 28, 2009; and

WHEREAS, the Public Works Committee recommends changes as stated in the Change Order Notice to Contract #L15531, issued to Landmark Ford, Incorporated, for the purchase of four 2009 Ford E-150 cargo vans, for Facilities Management, to increase the encumbrance in the amount of \$5,096.00.

NOW, THEREFORE BE IT RESOLVED, that the County Board adopts Change Order Notice, dated May 18, 2009, to County Contract #L15531, issued to Landmark Ford, Incorporated, for the purchase of four 2009 Ford E-150 cargo vans, for Facilities Management, to increase the encumbrance in the amount of \$5,096.00,

resulting in an amended contract total amount of \$65,504.00, an increase of 8.44%.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Olson moved, seconded by Member Healy, that Resolution #PWp-014A-08 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

PWp-014A-08

AMENDMENT TO RESOLUTION PWp-014-08

AWARDED TO PERFORMANCE PIPELINING FOR SANITARY SEWER MAINLINE AND LATERAL REPAIRS

(DECREASE ENCUMBRANCE \$2,892.00 AND CLOSE CONTRACT)

WHEREAS, the County of DuPage ("COUNTY") and Performance Pipelining ("VENDOR") have entered into an Agreement under Resolution PWp-014-08 to provide for repair of sanitary lateral and mainline sewers without excavation as sole source for Public Works; and

WHEREAS, the County required Performance Pipelining to provide for repair of sanitary lateral and mainline sewers without excavation as sole source Public Works; and

WHEREAS, the parties have completed their respective obligations under the above reference contract, however, there are allocated and unexpended funds remaining under the contract; and

WHEREAS, the COUNTY and VENDOR have agreed to decrease the contract amount by \$2,892.00, taking the original contract amount of \$75,000.00 and close out the contract at this time in the amended amount of \$72,108.00; and

WHEREAS, per Bid #08-064 provides that the AGREEMENT may be amended by written agreement approved by both parties; and

WHEREAS, it is in the COUNTY'S best interest to amend the AGREEMENT as stated above and, further, that said change is authorized under the law.

NOW, THEREFORE, BE IT RESOLVED that the Agreement between the COUNTY and VENDOR for professional services is hereby amended as shown on the attachment hereto; and

BE IT FURTHER RESOLVED that the County Clerk be directed to transmit certified copies of this Resolution and attached Change Order Request Form amending the Agreement to Performance Pipelining, 17779 Chessie Lane, Ottawa, Illinois 61350 and Tony Hayman, State's Attorney's Office.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Olson moved, seconded by Member Healy, that Resolution #DRp-004-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Fichtner, Gonzalez, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Member Enger voted "nay." Members Gilgis and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
DRp-004-09

AWARDING RESOLUTION TO TBS CONSTRUCTION, INC.  
FOR ON-CALL DRAINAGE CONSTRUCTION AND MAINTENANCE SERVICE  
(CONTRACT TOTAL AMOUNT: \$600,000.00)

WHEREAS, bids were taken and processed in accordance with County Board policy; and

WHEREAS, the lowest responsible bidder meeting the County's specifications has been designated as TBS Construction, Inc. and the Public Works Committee recommends County Board Approval for the issuance of a Contract Purchase Order in the amount of \$600,000.00 for on-call drainage construction and maintenance services for the Public Works Department/Drainage Division.

NOW, THEREFORE BE IT RESOLVED, that Purchase Requisition #15613, dated May 22, 2009, covering said, on-call drainage construction and maintenance services for the Public Works Department/Drainage Division, be, and it is hereby approved for

issuance of a Contract Purchase Order, by the Procurement Division to TBS Construction, Inc., 31W325 Schoger Drive, Naperville, Illinois 60564, for a contract total amount of \$600,000.00, per lowest responsible bid #09-057.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Zay moved, seconded by Member Fichtner, that Resolution #SM-0002-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon, O'Shea and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
SM-0002-09

ACCEPTANCE OF FAWELL DAM SADDLE DIKE LICENSE AGREEMENTS

WHEREAS, the County of DuPage, acting pursuant to authority granted by the Illinois General Assembly in Illinois Compiled Statutes, 55 ILCS 5/5-1062 and 5/5-15001 et seq., owns, maintains and operates a flood control and stormwater management facility across the West Branch DuPage River commonly known as Fawell Dam; and

WHEREAS, the Fawell Dam facility includes a Saddle Dike, a five thousand (5000') foot long earthen embankment running northward from Fawell Dam with residential subdivisions on the east and McDowell Grove Forest Preserve along the west; and

WHEREAS, the Stormwater Management Committee and the DuPage County Board have reviewed conditions regarding the Saddle Dike and made findings relative thereto in Resolution SM-0009-08; and

WHEREAS, the Stormwater Management Committee and the DuPage County Board hereby adopt and incorporate the findings from Resolution SM-0009-08 as the basis for this action; and

WHEREAS, the Stormwater Management Committee recommends approval of the attached License Agreements, which agreements are consistent with the prior License Agreements granted certain individuals owning property adjacent to the Saddle Dike.

NOW, THEREFORE, BE IT RESOLVED by the DuPage County Board that the License Agreements, attached hereto as Exhibit A, for each of the persons listed herein on Exhibit B, is hereby accepted and approved, and the Chairman of the County Board is hereby authorized and directed to execute such License Agreement on behalf of the County of DuPage; and

BE IT FURTHER RESOLVED that the County Clerk is hereby directed to transmit certified copies of this Resolution and License Agreement to: DuPage County Stormwater, 421 North County Farm Road, Wheaton, Illinois 60187 and Anthony Hayman, State's Attorney's Office.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Zay moved, seconded by Member Fichtner, that Resolution #SMp-028A-08 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon, O'Shea and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
SMp-028A-08

AMENDMENT TO CONTRACT ISSUED TO COM ED FOR  
ELECTRICAL SERVICES FOR VARIOUS STORMWATER LOCATIONS  
(INCREASE CONTRACT \$11,500.00)

WHEREAS, Resolution SMp-028-08 was approved and adopted by the County Board on October 14, 2008 in the amount of \$22,000.00; and

WHEREAS, unforeseen flooding events in the fall of 2008 and winter of 2009 required additional electrical services at various stormwater locations; and

WHEREAS, the Stormwater Management Committee recommends change as stated in Change Order Notice No. 2 to increase the contract #U15112 \$11,500.00 in order to continue the electrical services at various stormwater locations.

NOW, THEREFORE, BE IT RESOLVED that the County Board adopts Change Order Notice, dated May 11, 2009, to contract #U15112, issued to COMED, for electrical services at various stormwater locations, to increase the contract \$11,500.00, resulting in a new contract total amount of \$33,500.00, an increase of 52.27%; and

BE IT FURTHER RESOLVED, that the County Clerk transmit certified copies of this Resolution and any documents attached and made a part hereof to COM ED, 2100 Swift Road, Oak Brook, Illinois 60523 and Anthony Hayman, State's Attorney's Office.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Zay moved, seconded by Member Fichtner, that Resolution #SMp-031B-08 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon, O'Shea and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
SMp-031B-08

AMENDMENT TO CONTRACT ISSUED TO MID AMERICA ENERGY COMPANY  
FOR ELECTRICAL SERVICES FOR ELMHURST QUARRY  
(+\$98,200.00 AN INCREASE OF 100.60%)

WHEREAS, Resolution SMp-031-08 was approved and adopted by the County Board on October 14, 2008, in the amount of \$52,600.00 and amended under Resolution SMp-031A-08 for the continued pumping at the Elmhurst Quarry; and

WHEREAS, the Stormwater Management Committee recommends change as stated in Change Order Notice No. 2 to increase the contract value from \$97,600.00 by \$98,200.00 to a new contract value of \$195,800.00 to continue the electrical services for Elmhurst Quarry.

NOW, THEREFORE, BE IT RESOLVED that the County Board adopts Change Order Notice, dated May 11, 2009, to contract #A15113, issued to MID AMERICA ENERGY COMPANY, for electrical services for the Elmhurst Quarry, to increase the contract value from

\$97,600.00 to a new contract total amount of \$195,800.00, an increase of 100.6%; and

BE IT FURTHER RESOLVED, that the County Clerk transmit certified copies of this Resolution and any documents attached and made a part hereof to MID AMERICA ENERGY COMPANY, 4299 Northwest Urbandale Drive, Urbandale, Iowa 50322 and Anthony Hayman, State's Attorney's Office.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Zay moved, seconded by Member Fichtner, that Resolution #SMp-009A-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon, O'Shea and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
SMp-009A-09

AMENDMENT TO RESOLUTION SMp-009-09  
AWARDED TO LAGRANGE CRANE SERVICE, INC.  
FOR EMERGENCY PUMP REMOVALS AT ELMHURST QUARRY  
(+2,500.00 AN INCREASE OF 10.00%)

WHEREAS, the County of DuPage ("COUNTY") and LaGrange Crane Service, Inc. ("CONSULTANT") have entered into an Agreement under Resolution SMp-009-09 for the emergency pump removals at the Elmhurst Quarry; and

WHEREAS, the Stormwater Management Committee recommends change as stated in Change Order No. 1 to increase the contract value from \$25,000.00 by \$2,500.00 to a new contract value of \$27,500.00 for tasks that were unforeseen in the original services for the pump removals at Elmhurst Quarry.

NOW, THEREFORE BE IT RESOLVED, that the County Board adopts Change Order No. 1 dated May 13, 2009 to contract #D15341, issued to LaGrange Crane Services, Inc., for the emergency pump removals at Elmhurst Quarry, to increase the contract value from \$25,000.00 to a new contract value of \$27,500.00; and

BE IT FURTHER RESOLVED, that the County Clerk transmit certified copies of this Resolution and any documents attached and made a part hereof to LaGrange Crane Services, Inc., 6180 River Road, Hodgkins, Illinois 60525 and Anthony Hayman, State's Attorney's Office.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Zay moved, seconded by Member Fichtner, that Resolution #Smp-029-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon, O'Shea and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

Smp-029-09

AGREEMENT BETWEEN THE COUNTY OF DU PAGE, ILLINOIS  
AND V3 COMPANIES OF ILLINOIS FOR ENVIRONMENTAL ENGINEERING  
SERVICES FOR THE DESIGN AND PERMITTING FOR DAM REMOVAL  
AND ECOLOGICAL RESTORATION OF THE CHURCHILL WOODS DAM  
IN EAST BRANCH DU PAGE RIVER  
(CONTRACT TOTAL \$257,500.00)

WHEREAS, the Illinois General Assembly has granted the County of DuPage ("COUNTY") authority to enter into agreements for the purposes of providing stormwater management and flood control (Illinois Compiled Statutes, Chapter 55, paragraphs 5/5-1062 and 5/5-15001, et seq.); and

WHEREAS, the COUNTY proposes to undertake a project involving the removal of the Churchill Woods Dam on the east branch of the DuPage River for stormwater management and flood control purposes (the "PROJECT"); and

WHEREAS, in order to proceed with the PROJECT, the COUNTY requires an environmental assessment of the dam removal and plan for the ecological restoration of and the PROJECT area; and

WHEREAS, V3 Companies of Illinois ("CONSULTANT") has experience and expertise in this area and is in the business of providing such environmental engineering services and is willing

to perform the required services for an amount not to exceed Two hundred Fifty-seven thousand and Five hundred dollars (\$257,500.00); and

WHEREAS, the COUNTY has selected the CONSULTANT in accordance with the Professional Services Selection Process found in Section 4-108 of the DuPage County Purchasing Procedures and Guidelines; and

WHEREAS, the Stormwater Management Committee of the DuPage County Board has reviewed and recommended approval of the attached Agreement at the specified amount.

NOW, THEREFORE, BE IT RESOLVED by the DuPage County Board that the attached Agreement between the COUNTY and CONSULTANT is hereby accepted and approved in an amount not to exceed Two hundred Fifty-seven thousand and Five hundred dollars (\$257,500.00) and that the Chairman of the DuPage County Board is hereby authorized and directed to execute the Agreement on behalf of the County; and

BE IT FURTHER RESOLVED that the DuPage County Clerk be directed to transmit certified copies of this Resolution and the attached Agreement to V3 Companies of Illinois, 7325 Janes Avenue, Woodridge, Illinois 60517, ATTN: Gregory V. Wolterstorff, P.E. and Anthony Hayman, State's Attorney's Office.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Zay moved, seconded by Member Fichtner, that Resolution #SMp-039-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon, O'Shea and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

SMP-039-09

AGREEMENT BETWEEN THE COUNTY OF DU PAGE, ILLINOIS  
AND CHRISTOPHER B. BURKE ENGINEERING, LTD. FOR PROFESSIONAL  
ENGINEERING SERVICES FOR AMENDMENTS TO CHAPTER 15 OF  
THE DU PAGE COUNTY CODE - DU PAGE COUNTY COUNTYWIDE  
STORMWATER AND FLOOD PLAIN ORDINANCE

WHEREAS, the County of DuPage ("COUNTY") pursuant to authority granted it under 55 ILCS 5/5-1062 and 5/5-15001 et seq. and other applicable authority, adopted the DuPage County Countywide Stormwater and Flood Plain Ordinance (hereinafter referred to as the "Stormwater Ordinance"); and

WHEREAS, the Stormwater Ordinance is further identified as Appendix F to the DuPage County Stormwater Management Plan, as originally adopted under Ordinance SMO-0001-91, dated September 24, 1991 and last revised under Ordinance OSM-004-07 dated March 25, 2008; and

WHEREAS, the DuPage County Stormwater Management Division has worked closely with the municipal engineers of DuPage County communities to develop equitable and effective standards for stormwater management and watershed planning; and

WHEREAS, the COUNTY was experiencing rapid growth of new developments at the time the original Stormwater Ordinance was adopted by the DuPage County Board on September 24, 1991; and

WHEREAS, the COUNTY has since reached maturity with redevelopments now exceeding new developments; and

WHEREAS, the Stormwater Ordinance must address requirements set forth for existing developments by the United States Environmental Protection Agency ("USEPA"), National Pollution Discharge Elimination System ("NPDES") Phase II permit issued to the County and its co-permittees; and

WHEREAS, the Stormwater Ordinance can be amended to provide the structure to meet local, state, and federal stormwater regulations, while still remaining competitive in maintaining/ attracting business while preserving the high standard of flood control and environmental protection for all COUNTY residents; and

WHEREAS, the COUNTY requires professional engineering services to assist in evaluating the conversion of the established Stormwater Ordinance into a structure that better meets the requirements for new developments, re-developments, and existing developments, and drafting of the updated Stormwater Ordinance; and

WHEREAS, Christopher B. Burke Engineering, Ltd., (hereinafter referred to as the "CONSULTANT") has experience and expertise in the area and is willing to perform the required services for an amount not to exceed \$400,775.00; and

WHEREAS, the COUNTY has selected the CONSULTANT in accordance with the Professional Services Selection Process found in Section 4-108 of the DuPage County Purchasing Procedures and Guidelines; and

WHEREAS, the Stormwater Management Planning Committee of the DuPage County Board has reviewed and recommended approval of the attached Agreement at the specified amount.

NOW, THEREFORE, BE IT RESOLVED by the DuPage County Board that the attached Agreement between the COUNTY and CONSULTANT is hereby accepted and approved in an amount not to exceed \$400,775.00 and that the Chairman of the DuPage County Board is hereby authorized and directed to execute the Agreement on behalf of the COUNTY; and

BE IT FURTHER RESOLVED that the DuPage County Clerk be directed to transmit certified copies of this Resolution and the attached Agreement to Christopher B. Burke Engineering, Ltd., 9575 West Higgins Road, Suite 600, Rosemont, Illinois 60018, Attn: Mr. Christopher B. Burke; Anthony Hayman, State's Attorney's Office; Anthony J. Charlton, DuPage County Stormwater Management and David R. Winklebleck, Department of Economic Development and Planning.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Zay moved, seconded by Member Fichtner, that Resolution #Smp-040-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon, O'Shea and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

SMP-040-09

FINANCIAL COMMITMENT IN SUPPORT FOR  
THE DU PAGE RIVER SALT CREEK WORKGROUP MEMBERSHIP FEE  
(CONTRACT TOTAL \$36,799.00)

WHEREAS, in 2004 the DuPage River Salt Creek Workgroup was formed as a collaborative group of municipalities, publicly owned treatment works, environmental organizations, regulatory agencies and consultants (hereinafter referred to as DRSCWG) to conduct long term water quality monitoring programs and implementation within the DuPage River and Salt Creek watersheds; and

WHEREAS, DRSCWG has been working with local government, group members, and its constituents to define and promote a regional water quality monitoring program on a watershed basis; and

WHEREAS, The DuPage River Salt Creek Workgroup works to promote water quality monitoring and determine aquatic stressors and impairments to the East and West DuPage River and Salt Creek watersheds; and

WHEREAS, DuPage County Stormwater Management feels that the promotion of this type of water quality monitoring and education program, through the support of the DuPage River Salt Creek Workgroup is key to the continuation of dissolved oxygen improvements, total maximum daily load studies, bioassessment plans and chloride reduction within the region; and

WHEREAS, participation in the DRSCWG is consistent with the County's National Pollutant Discharge Elimination System (NPDES) Phase II Permit as well as the water quality objectives set forth in Appendix J of the County's Stormwater Management Plan; and

WHEREAS, the COUNTY has participated in the DRSCWG as an agency member for the past several years and contributed funds to that organization through annual membership fees; and

WHEREAS, the COUNTY, by and through its Division of Stormwater Management and Department of Public Works, budgeted for 2009 DRSCWG membership fee in the amount of Thirty-six thousand Seven hundred Ninety-nine dollars (\$36,799.00); and

WHEREAS, the Public Works Committee has approved the payment of Eleven thousand Seven hundred Ninety-nine dollars (\$11,799.00) towards the County's 2009 DRSCWG membership fee from the Public Works Fund and the Stormwater Management Committee recommends paying the balance of Twenty-five thousand dollars (\$25,000.00) from the Stormwater Management Fund.

NOW, THEREFORE, BE IT RESOLVED by the County Board of DuPage County that it approves payment of the County's 2009 DRSCWG membership fee in the amount of Thirty-six thousand Seven hundred Ninety-nine dollars (\$36,799.00); and

BE IT FURTHER RESOLVED that the DRSCWG membership fee be cost shared in the amount of Twenty-five thousand dollars (\$25,000.00) from Stormwater Management Dues and Membership Fund and Eleven thousand Seven hundred Ninety-nine dollars (\$11,799.00) from Public Works Sewers Dues and Membership Fund.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Sheahan moved, seconded by Member Kurzawa, that Resolution #TEp-037-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
TEp-037-09

AWARDING RESOLUTION TO AERO METRIC, INC. FOR  
GIS ELEVATION DATA EDGEMATCHING SERVICES  
(CONTRACT TOTAL AMOUNT: \$23,000.00)

WHEREAS, an agreement has been negotiated in accordance with County Board Policy; and

WHEREAS, the Technology Committee recommends County Board approval for the issuance of a Contract Purchase Order to Aero Metric, Inc., to match DuPage County's GIS data with surrounding Counties and the City of Naperville, for Information Technology.

NOW, THEREFORE, BE IT RESOLVED, that County Requisition #15616, dated June 1, 2009, covering said, to match DuPage County's GIS data with surrounding Counties and the City of Naperville, for Information Technology, be, and it is hereby approved for issuance of a Contract Purchase Order by the Procurement Division to Aero Metric, Inc., 4020 Technology Parkway, Sheboygan, Wisconsin 53083, for a contract total amount of \$23,000.00, exempt from bidding per 55 ILCS 5/5-1022 (c) (Other Professional Services).

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Sheahan moved, seconded by Member Kurzawa, that Resolution #TEp-038-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

TEp-038-09

AWARDING RESOLUTION TO BRUCE HARRIS & ASSOCIATES  
FOR GIS PROGRAMMING SERVICES  
(CONTRACT TOTAL AMOUNT: \$200,000.00)

WHEREAS, an agreement has been negotiated in accordance with County Board Policy; and

WHEREAS, the Technology Committee recommends County Board approval for the issuance of a Contract Purchase Order to Bruce Harris & Associates, to support the County Clerk and GIS Division Real Estate systems, for Information Technology.

NOW, THEREFORE, BE IT RESOLVED, that County Requisition #15617, dated June 1, 2009, covering said, to support the County Clerk and GIS Division Real Estate systems, for Information Technology, be, and it is hereby approved for issuance of a Contract Purchase Order by the Procurement Division to Bruce Harris and Associates, 21 North River Street, Batavia, Illinois 60510, for a contract total amount of \$200,000.00, exempt from bidding per 55 ILCS 5/5-1022 (c) (Other Professional Services).

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Sheahan moved, seconded by Member Kurzawa, that Resolution #TEp-039-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick,

Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
TEp-039-09

AWARDING RESOLUTION TO THE UNIVERSITY OF ILLINOIS  
FOR GIS DATA INTERNET PUBLICATION SERVICES  
(CONTRACT TOTAL AMOUNT: \$92,228.00)

WHEREAS, an agreement has been negotiated in accordance with County Board Policy; and

WHEREAS, the Technology Committee recommends County Board approval for the issuance of a Contract Purchase Order to The University of Illinois, for GIS Data Internet Publication Services, for Information Technology.

NOW, THEREFORE, BE IT RESOLVED, that County Requisition #15618, dated June 1, 2009, covering said, for GIS data Internet publication services for distributing transportation, structure, and boundary data for access by local, state, and federal agencies and the general public, for Information Technology, be, and it is hereby approved for issuance of a Contract Purchase Order by the Procurement Division to University of Illinois at Urbana-Champaign, Office of Sponsored Programs and Research Administration, 1901 South First Street, Suite A, Champaign, Illinois 61820, for a contract total amount of \$92,228.00, exempt from bidding per 55 ILCS 5/5-1022 (c) (Other Professional Services).

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Sheahan moved, seconded by Member Kurzawa, that Resolution #TEp-040-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

TEp-040-09

AWARDING RESOLUTION TO  
COOK COUNTY GOVERNMENT BUREAU OF TECHNOLOGY  
FOR THE 2009 AERIAL IMAGERY MISSION PROJECT  
(CONTRACT TOTAL AMOUNT: \$102,472.00)

WHEREAS, an agreement has been negotiated in accordance with County Board Policy; and

WHEREAS, the Technology Committee recommends County Board approval for the issuance of a Contract Purchase Order to Cook County Government Bureau of Technology, for DuPage County's proportionate share of aerial imagery, for Information Technology.

NOW, THEREFORE, BE IT RESOLVED, that County Requisition #15621, dated June 1, 2009, covering said, for DuPage County's proportionate share of aerial imagery, for Information Technology, be, and it is hereby approved for issuance of a Contract Purchase Order by the Procurement Division to Cook County Government, 69 West Washington, Suite 2700, Chicago, Illinois 60602, for a contract total amount of \$102,472.00.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Sheahan moved, seconded by Member Kurzawa, that Resolution #TEp-041-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahan and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

TEp-041-09

AWARDING RESOLUTION TO CDW GOVERNMENT, INC. FOR  
MICROSOFT SQL SERVER 2008 AND WINDOWS SERVER SOFTWARE LICENSE  
(CONTRACT TOTAL AMOUNT: \$36,539.84)

WHEREAS, an agreement has been negotiated in accordance with County Board policy; and

WHEREAS, the Technology Committee recommends County Board approval for the issuance of a Contract Purchase Order to CDW Government, Inc., for Microsoft SQL server 2008 and Windows server software licenses for the Countywide enterprise database servers, for Information Technology.

NOW, THEREFORE BE IT RESOLVED, that County Requisition #15619, dated June 1, 2009, covering said, for Microsoft SQL server 2008 and Windows server software licenses for the Countywide enterprise database servers, be, and it is hereby approved for issuance of a Contract Purchase order by the Procurement Division to CDW Government, Inc., 230 North Milwaukee Avenue, Vernon Hills, Illinois 60061, for a contract total amount of \$36,539.84, per Cooperative Purchasing agreement: IL Microsoft Software Select CMS5003360.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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The motion to authorize Brien Sheahan, County Board Member, to attend the 2009 Annual NACo Legislative Conference to be held in Nashville, Tennessee, July 24-28, 2009, expenses to include registration, airfare, hotel, meals and miscellaneous for approximately \$2,603.50, was pulled from the agenda.

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Member Puchalski moved, seconded by Member McBride, that Resolution #DTP-073A-08 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

DTP-073A-08

AMENDMENT TO RESOLUTION DTP-073-08

AGREEMENT BETWEEN THE COUNTY OF DU PAGE, ILLINOIS  
AND COLLINS ENGINEERS, INC.

FOR PROFESSIONAL ENGINEERING SERVICES

2008 BRIDGE AND ANCILLARY STRUCTURE INSPECTION

(TO EXTEND CONTRACT COMPLETION DATE THROUGH NOVEMBER 30, 2009)

WHEREAS, the DuPage County Board has heretofore adopted Resolution DTP-073-08 dated September 23, 2008; and

WHEREAS, Contract #S15072 was awarded by DTP-073-08 to Collins Engineers, Inc. (hereinafter "CONSULTANT") for Professional Engineering Services for the 2008 Bridge and Ancillary Structure Inspection; and

WHEREAS, the Division of Transportation Committee has determined that additional time is required to for the completion of the bridge and ancillary structure inspections; and

WHEREAS, said extension of time is in the best interest of the County and authorized by law.

NOW, THEREFORE, BE IT RESOLVED that the County Board adopt the Amendment to Resolution DTP-073-08 for Purchase Order #S15072 issued to Collins Engineers, Inc. to extend the contract completion date through November 30, 2009, with no change to the contract amount; and

BE IT FURTHER RESOLVED, that the County Clerk be directed to transmit a copy of this Amending Resolution to Collins Engineers, Inc. through the Division of Transportation.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Puchalski moved, seconded by Member Healy, that Resolution #DTP-045A-08 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
DTP-045A-08

AMENDMENT TO RESOLUTION DTP-045-08  
PROFESSIONAL SERVICES AGREEMENT BETWEEN THE  
COUNTY OF DU PAGE, ILLINOIS AND HDR ENGINEERING, INC.  
FOR PROFESSIONAL ENGINEERING SERVICES  
FOR DESIGN UPON REQUEST AT VARIOUS LOCATIONS  
(EXTENSION OF CONTRACT THROUGH NOVEMBER 30, 2010)

WHEREAS, the DuPage County Board has heretofore adopted Resolution DTP-045-08 dated May 27, 2008 for Professional Engineering Services for Design Upon Request at Various Locations; and

WHEREAS, Contract #S14869 (hereinafter "CONTRACT") was awarded by DTP-045-08 to HDR Engineering, Inc. (hereinafter "CONSULTANT") for Professional Engineering Services for Design Upon Request at Various Locations; and

WHEREAS, additional time is required to complete one of the projects assigned to the CONSULTANT.

NOW, THEREFORE, BE IT RESOLVED that the County Board adopt this Amending Resolution issued to the CONSULTANT for an extension of the contract to November 30, 2010; and

BE IT FURTHER RESOLVED, that the County Clerk be directed to transmit a copy of this Resolution to HDR Engineering, Inc. through the Division of Transportation.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Puchalski moved, seconded by Member Healy, that Resolution #DT-0030-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

DT-0030-09

AWARDING RESOLUTION

TO K-FIVE CONSTRUCTION CORPORATION

2009 PAVEMENT MAINTENANCE - NORTH AND CENTRAL REGION

VARIOUS COUNTY HIGHWAYS

SECTION 09-00000-00-GM

(COUNTY COST: \$1,356,973.90)

WHEREAS, the County of DuPage is authorized and empowered to construct, repair and improve County and/or township roads, bridges and appurtenances; and

WHEREAS, the County of DuPage has published a contract proposal for the 2009 Pavement Maintenance (North and Central Region) of Various County Highways, Section 09-00000-00-GM setting forth the terms, conditions and specifications (a copy of which is incorporated herein by reference); and

WHEREAS, the Engineer's Estimate for the project was \$1,460,344.20; and

WHEREAS, the budget for the fiscal year 2009 provides for the construction and repair of roads, bridges and appurtenances; and

WHEREAS, the following bids were received in compliance with the contract proposal:

<u>NAME</u>	<u>BID AMOUNT</u>
K-Five Construction Corporation	\$1,356,973.90
Plote Construction Company	\$1,438,148.25
J. A. Johnson Paving	\$1,439,721.44
R.W. Dunteman Company	\$1,535,202.02

; and

WHEREAS, it has been determined that it is in the best interest of the County of DuPage to award a contract to K-Five Construction Corporation for their bid of \$1,356,973.90.

NOW, THEREFORE, BE IT RESOLVED, that a contract in accordance with the terms, conditions and specifications set forth in said contract proposal be and is hereby awarded to K-Five Construction Corporation for their bid of \$1,356,973.90; and

BE IT FURTHER RESOLVED that monies be encumbered and set aside for the payment of said contract as follows:

<u>FISCAL YEAR</u>	<u>FUND</u>	<u>AMOUNT</u>
2009	02-793 (3610)	\$1,356,973.90

; and

BE IT FURTHER RESOLVED, that this contract is subject to the Prevailing Wage Act (820 ILCS 130) and as such not less than the prevailing rate of wages as found by the Department of Labor shall be paid to all laborers, workers or mechanics performing work under this contract; and

BE IT FURTHER RESOLVED, that the Chairman and Clerk of the DuPage County Board are hereby authorized and directed to execute the aforesaid contract with K-Five Construction Corporation.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Puchalski moved, seconded by Member Healy, that Resolution #DT-0031-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
DT-0031-09

INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE COUNTY OF DU PAGE AND THE VILLAGE OF LISLE  
FOR CH 17/MAPLE AVENUE  
BRIDGE OVER EAST BRANCH OF THE DU PAGE RIVER  
SECTION 01-00230-02-BR

WHEREAS, the County of DuPage (hereinafter "COUNTY") has developed plans and specifications to reconstruct and widen the bridge that carries CH 17/Maple Avenue over the East Branch of the DuPage River, Section 01-00230-02-BR (hereinafter referred to as the "IMPROVEMENT"); and

WHEREAS, as part of the IMPROVEMENT, the Village of Lisle (hereinafter "VILLAGE") has requested certain aesthetic enhancements (hereinafter referred to as "ENHANCEMENTS"); and

WHEREAS, the COUNTY and the VILLAGE desire to cooperate in the IMPROVEMENT because of the benefit of the IMPROVEMENT to the residents of the COUNTY and the VILLAGE; and

WHEREAS, the COUNTY by virtue of its power set forth in the Counties Code (55 ILCS 5/1001 et seq.) and the "Illinois Highway Code" (605 ILCS 5/1-101 et seq.) and the VILLAGE by virtue of its power set forth in the Municipal Code (65 ILCS 5/1-1-1 et seq.), are authorized to enter into Agreements and Contracts; and

WHEREAS, a cooperative intergovernmental agreement is appropriate and such an agreement is authorized and encouraged by Article VII, Section 10 of the Illinois Constitution and Intergovernmental Cooperation Act (605 ILCS 220/1 et seq.); and

WHEREAS, an Agreement has been prepared and is attached that outlines the rights and responsibilities of the COUNTY and the VILLAGE relative to the construction of the IMPROVEMENT and the ENHANCEMENTS; and

WHEREAS, the Agreement must be executed to define the rights and responsibilities of the COUNTY and the VILLAGE related to the IMPROVEMENT and the ENHANCEMENTS.

NOW, THEREFORE, BE IT RESOLVED by the County Board of DuPage County, that the Clerk and Chairman of the said Board be hereby directed and authorized to execute the above referenced Agreement with the VILLAGE; and

BE IT FURTHER RESOLVED that one (1) original of this Resolution and Agreement be sent to the Village of Lisle through the Division of Transportation.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Puchalski moved, seconded by Member Healy, that Resolution #DT-0032-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

DT-0032-09

INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE COUNTY OF DU PAGE AND THE  
STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION  
CH 48/ILLINOIS PRAIRIE PATH - ELGIN BRANCH  
GRADE SEPARATION OVER THE ELGIN, JOLIET & EASTERN RAILROAD  
SECTION 98-00313-00-BR

WHEREAS, the County of DuPage (hereinafter "COUNTY") and the State of Illinois Department of Transportation (hereinafter "STATE"), in order to facilitate the free flow of path traffic and to ensure the safety of the path users desire to construct a grade separation to carry CH 48/Illinois Prairie Path Grade Separation over the Elgin, Joliet and Eastern Railroad (hereinafter EJ&E RR), Section 98-00313-00-BR (hereinafter referred to as the "IMPROVEMENT"); and

WHEREAS, the COUNTY and the STATE desire to cooperate in an effort to construct the IMPROVEMENT because of the immediate benefit of the IMPROVEMENT to the people of the State of Illinois and to the residents of DuPage County; and

WHEREAS, an Intergovernmental Agreement for Federal Participation (hereinafter "AGREEMENT") has been prepared and attached hereto, which outlines the financial participation of the parties related to the construction costs for the IMPROVEMENT; and

WHEREAS, the total estimated cost for construction of the IMPROVEMENT is estimated to be \$1,964,136.00 and the estimated cost to the COUNTY will be \$1,004,136.00; and

WHEREAS, sufficient funds have been appropriated to pay for construction of the IMPROVEMENT; and

WHEREAS, said AGREEMENT must be executed before the IMPROVEMENT can be constructed.

NOW, THEREFORE, BE IT RESOLVED by the County Board of DuPage County, that the Clerk and Chairman of the Board be hereby directed and authorized to execute the referenced AGREEMENT with the STATE; and

BE IT FURTHER RESOLVED, that six (6) original copies of the Resolution and AGREEMENT be sent to the STATE, through the DuPage County Division of Transportation.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Puchalski moved, seconded by Member Healy, that Resolution #DT-0034-09 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

DT-0034-09

CROSSING SURFACE INSTALLATION AGREEMENT  
BETWEEN THE COUNTY OF DU PAGE  
AND THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY  
AT CH 9/LEMONT ROAD  
SECTION: 09-00000-00-RS  
(COUNTY COST: \$80,000.00)

WHEREAS, the Burlington Northern Santa Fe Railway Company (hereinafter "COMPANY") and the County of DuPage (hereinafter "COUNTY") in order to facilitate the free flow of traffic and to ensure the safety of the motoring public desire to replace the existing crossing surface on CH 9/Lemont Road with a new concrete crossing surface (hereinafter "NEW CROSSING SURFACE"); and

WHEREAS, the COUNTY by virtue of its power set forth in "Counties Code" (55ILCS 5/1-1001 et seq.) and the "Illinois Highway Code" (605 ILCS 5/1-101 et seq.) and the COMPANY are authorized to enter into this Agreement; and

WHEREAS, the parties desire to enter into said Agreement for the installation of the NEW CROSSING SURFACE; and

WHEREAS, an Agreement has been prepared and is attached that outlines the rights and responsibilities of the COUNTY and COMPANY; and

WHEREAS, the Agreement must be executed to define the rights and responsibilities of the COUNTY and the COMPANY related to the installation of the NEW CROSSING SURFACE.

NOW, THEREFORE, BE IT RESOLVED by the County Board of DuPage County, that the Clerk and Chairman of the said Board be hereby directed and authorized to execute the above referenced Agreement with the COMPANY; and

BE IT FURTHER RESOLVED that one (1) duplicate original of this Resolution and Agreement be sent to the COMPANY through the Division of Transportation.

Enacted and approved this 9th day of June, 2009, at  
Wheaton, Illinois.

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Member Puchalski moved, seconded by Member Healy, that Resolution #DT-0068A-05 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N  
DT-0068A-05

AMENDMENT TO RESOLUTION DT-0068-05  
INTERGOVERNMENTAL AGREEMENT BETWEEN  
COUNTY OF DU PAGE AND THE VILLAGE OF ELK GROVE VILLAGE  
FOR INTERSECTION IMPROVEMENTS  
AT CH 28/WOOD DALE ROAD-TONNE ROAD-DEVON AVENUE  
SECTION 00-00145-02-CH  
(DECREASE AND CLOSE: -\$84,682.37; -31.13%)

WHEREAS, the DuPage County Board has heretofore adopted Resolution DT-0068-05 dated June 28, 2005 that authorized the execution of an intergovernmental agreement with the Village of Elk Grove Village (hereinafter "VILLAGE") for intersection improvements at CH 28/Wood Dale Road-Tonne Road-Devon Avenue, Section 00-00145-02-CH (hereinafter "IMPROVEMENTS"); and

WHEREAS, at that time it was determined that the cost of said IMPROVEMENTS to the County of DuPage (hereinafter "COUNTY") and through the DuPage County Division of Transportation, would be \$272,000.00; and

WHEREAS, a contract was awarded by the VILLAGE for the IMPROVEMENTS; and

WHEREAS, the contract awarded by the VILLAGE has been completed and there are allocated and unexpended funds remaining under the above referenced agreement; and

WHEREAS, it is in the best interest of the COUNTY to deobligate the funds obligated per DT-0068-05 by \$84,682.37 and said change is authorized by law.

NOW, THEREFORE, BE IT RESOLVED that the funds obligated per the agreement between the COUNTY and the VILLAGE for the IMPROVEMENTS are hereby amended.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Puchalski moved, seconded by Member Healy, that Resolution #DT-0038B-02 be approved and adopted. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McMahon and Zediker were not present at the time of roll call. Motion carried.

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R E S O L U T I O N

DT-0038B-02

AMENDMENT TO DT-0038A-02

INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ILLINOIS AND THE COUNTY OF DU PAGE IMPROVEMENT OF ILLINOIS ROUTE 64/NORTH AVENUE ILLINOIS ROUTE 53 TO CH 28/VILLA AVENUE SECTION 02-00131-00-RP (TO REOPEN INTERGOVERNMENTAL AGREEMENT TO PAY FINAL INVOICE: \$1,456.67)

WHEREAS, the DuPage County Board has heretofore adopted Resolutions DT-0038A-02 dated March 10, 2009 and DT-0038-02 dated June 11, 2002 for an Intergovernmental Agreement (hereinafter "AGREEMENT") between the County of DuPage (hereinafter "COUNTY") and the State of Illinois (hereinafter "STATE") for the improvement of Illinois Route 64/North Avenue between Illinois Route 53 and CH 28/Villa Avenue; Section 02-00131-00-RP (hereinafter "IMPROVEMENT"); and

WHEREAS, the STATE constructed the IMPROVEMENT noted in the AGREEMENT under two separate contracts; and

WHEREAS, the STATE previously forwarded a final invoice to the COUNTY for one of the contracts for payment; and

WHEREAS, the AGREEMENT was inadvertently terminated prior to payment of the final invoice for the second contract in the amount of \$1,456.67.

NOW, THEREFORE BE IT RESOLVED, that the AGREEMENT between the COUNTY and the STATE for the IMPROVEMENT be hereby reopened to allow payment of the final invoice of \$1,456.67 on the second contract; and

BE IT FURTHER RESOLVED, that the County Clerk be directed to transmit a copy of this Amending Resolution to the State of Illinois through the Division of Transportation.

Enacted and approved this 9th day of June, 2009, at Wheaton, Illinois.

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Member Michelassi questioned if Public Comment was recorded. County Clerk Gary A. King replied that it was recorded for his purposes and that the tapes are kept until the meeting was approved and then destroyed.

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Member O'Shea moved, seconded by Member Zay, that pursuant to Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan and Zay voted "aye." Members Gilgis, McBride, McMahan and Zediker were not present at the time of roll call. Motion carried.

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Meeting reconvened. Member O'Shea moved, seconded by Member McBride, that the meeting of the County Board of DuPage County be adjourned to Tuesday, June 23, 2009 at 10:00 A.M. On voice vote, motion carried.

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County Clerk

