

RESOLUTION 11-26

Passed April 11, 2011

AUTHORIZING THE MAYOR OF THE CITY OF DEKALB, ILLINOIS, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH DEKALB IRON AND METAL COMPANY FOR THE PURPOSE OF INSTALLING AND MAINTAINING A RAIN GARDEN ON CITY PROPERTY LOCATED IN THE 800 BLOCK OF OAK STREET.

BE IT RESOLVED BY THE CITY COUNCIL of the City of DeKalb, Illinois, as follows:

Section 1. That the Mayor of the City of DeKalb, Illinois, is authorized and directed to sign a Memorandum of Understanding with DeKalb Iron and Metal Company, to facilitate and maintain a bioswale/raingarden on City property located in the 800 Block of Oak Street, a copy of which is attached hereto and made a part hereof as Exhibit "A".

Section 2. That the City Clerk of the City of DeKalb is authorized and directed to attest the Mayor's signature.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 11th day of April, 2011 and approved by me as Mayor on the same day. Passed on a roll call vote: 7-0. Aye: Simpson, Teresinski, Verbic, Gallagher, Naylor, Baker, Kammes, Povlsen.

ATTEST:


STEVEN C. KAPITAN, City Clerk


KRIS POVLSSEN, Mayor



**2010 BIOSWALE/RAIN GARDEN
MEMORANDUM OF UNDERSTANDING**

THIS MEMORANDUM OF UNDERSTANDING, made this 11TH day of APRIL, 2011 by and between the CITY OF DEKALB, a Municipal Corporation of the State of Illinois (hereinafter the "City,") and DeKalb Iron and Metal Company (hereinafter "DIMCO") located at 900 Oak Street, DeKalb, Illinois 60115;

W I T N E S S E T H:

WHEREAS, DIMCO approached the City with a cost-sharing proposal to improve the City's right-of-way in front of their business located at 900 Oak Street to help alleviate a variety of ongoing issues including pavement failures due to water run-off, debris in the roadway, and illegal parking; and,

WHEREAS, the area being considered is in the 800 block of Oak Street, is approximately 18 feet wide by 210 feet long and runs between Oak Street and DIMCO's storage yard fence. This blighted parcel has been targeted for clean-up by the City's Public Works Department for several years; and

WHEREAS, the cost-sharing proposal includes the City's installation of the bioswale rain garden, DIMCO's replacement of a dilapidated fence that runs adjacent to the ROW, and DIMCO's installation of a concrete pad at entry approach of DIMCO's storage yard to funnel water into the bioswale. The proposed upgrades would alleviate most, if not all, of the issues, as well as to "green up" a stark industrial area; and,

WHEREAS, this project was recommended for approval by the City's Citizen's Environmental Commission and received preliminary approval from the DeKalb City Council at its November 22, 2010 meeting.

NOW, THEREFORE, it is hereby agreed as follows:

1. The City will contract for the installation of a bioswale/rain garden in the City's 18 ft. wide by 210 feet long right-of-way, which runs between Oak Street and DIMCO's storage yard fence located in the 800 block of Oak Street, in accordance with the quote and site plan, attached hereto as Exhibit "A."
2. The lowest quote (quote #1) received for the installation of the bioswale/raingarden totaled \$16,918.98. However, the parties have agreed to proceed with quote #2 due to the higher quality method of installation of the bioswale, which totals \$17,801.01, further described in Exhibit "B." DIMCO has agreed to pay the price difference between quotes #1 and #2, which totals \$882.03, and the City of DeKalb will pay \$16,918.98.
3. DIMCO will repair, at its cost, the dilapidated fence which runs adjacent to the south side of the City's right-of-way and install a concrete pad at the business entry approach of DIMCO's storage yard in accordance with the site plan, attached hereto as Exhibit "A."
4. Once installed, DIMCO agrees, in perpetuity, to maintain the bioswale in accordance with the recommendations provided by the contractor, attached hereto as Exhibit "C."

5. The parties agree that the installation of the bioswale/rain garden, replacement of the dilapidated fence, and installation of the concrete entry approach will be completed no later than ~~June 30, 2011~~. *Mark*
October

WHEREFORE, the parties have set their hands and seals to this Memorandum of Understanding.

CITY OF DEKALB

BY: *Kris Polvsen*

Kris Polvsen, Mayor

DEKALB IRON AND METAL COMPANY

BY: *Jeff Gorman*

Jeff Gorman, President

ATTEST:

BY: *Steven C. Kapitan*

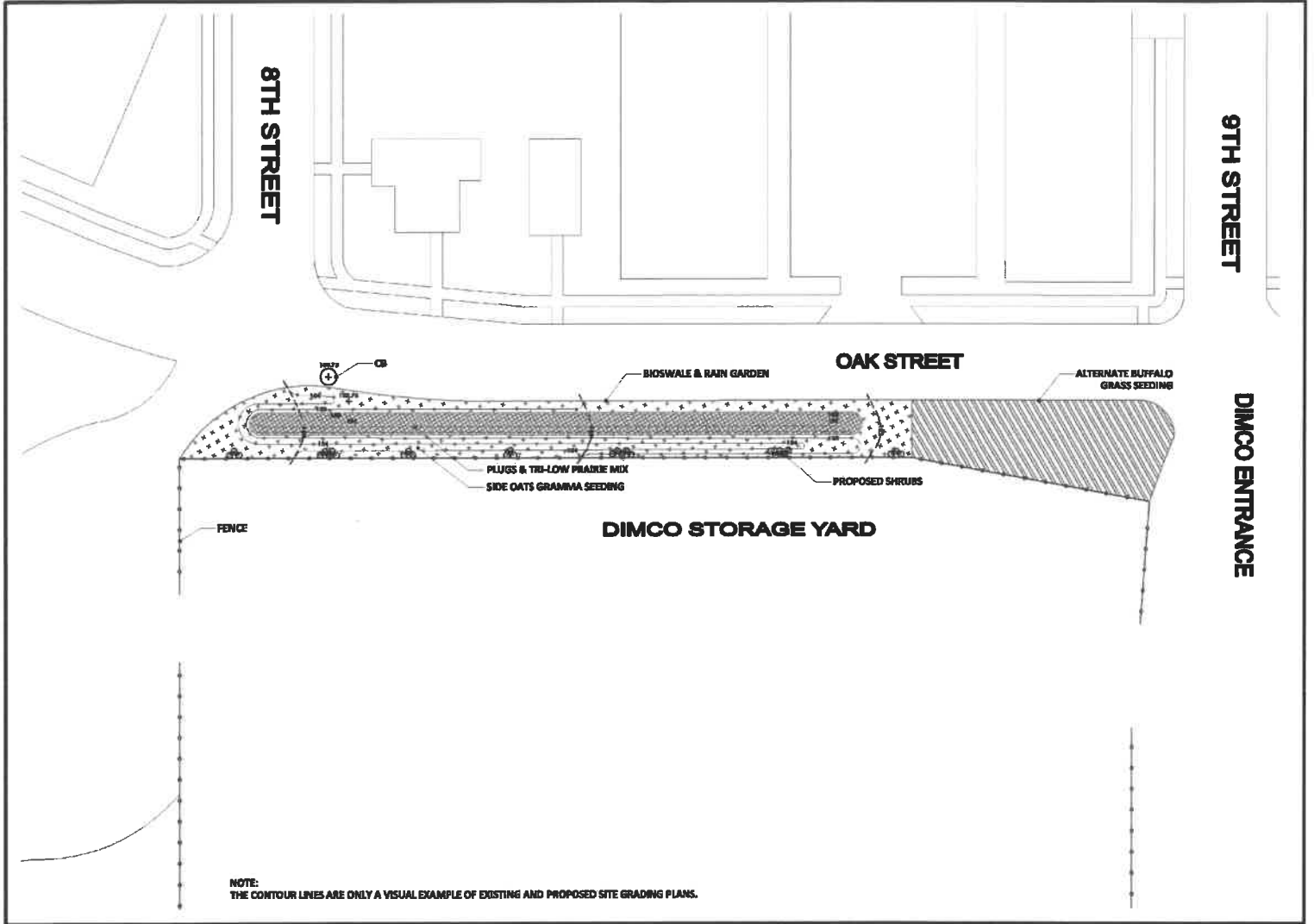
Steven C. Kapitan, City Clerk

BY: *Mark W. Hein*

Mark Hein, Secretary



EXHIBIT "A"
SITE PLAN



NOTE:
THE CONTOUR LINES ARE ONLY A VISUAL EXAMPLE OF EXISTING AND PROPOSED SITE GRADING PLANS.

EXHIBIT "B"

10/26/2010

PROPOSAL FOR WORK	
PIZZO & ASSOCIATES, LTD.	
Ecological Restoration & Planning	
10729 Pine Road	
Leland, IL 60531	
PH: 815.495.2300 / FX: 815.498.4406	
Project Number:	110223-P.DIMC
Project Ecologist:	Andy Stahr

PROJECT:	
Project Name:	DIMCO Bioswale & Rain Garden
Project Address:	900 Oak Street DeKalb, IL
Project Contact:	Jennifer Diedrich The City of DeKalb Project Manager

Project Estimate @ IL Prevailing Wage Rates	
DIMCO Bioswale Install - Pizzo's Recommended Approach	

WORK SHALL INCLUDE:

Qty	Size	Description	
Planting			
26	5 gallon	Native Shrub	
760	2" potted	Native Prairie Perennials	
Plant Materials Subtotal			\$5,864.77
Seeding			
1	unit(s)	Low-Profile Native Grass Seed in Bottom of Bioswale	
1	unit(s)	Side-Oats Gramma Buffer Seeding	
Seeding Subtotal			\$311.39
Erosion Blanket			
300	s.y.	Erosion Blanket - ECS-1	
300	each	6" Round Top Wire Pin (Default)	
1	each	Installation Labor	
400	s.y.	Erosion Blanket - ECS-2	
400	each	6" Round Top Wire Pin (Default)	
1	each	Installation Labor	
Erosion Blanket Subtotal			\$980.73
Site Preparation/Minor Grading			
1	ls.	Dumping Fee	
95	c.y.	Topsoil	
1	each	Site Preparation/Minor Grading Labor	
Site Preparation/ Minor Grading Subtotal			\$9,679.11
Mobilization			
1	ls.	Travel, Set-up, & Clean-up	
Mobilization Subtotal			\$945.00
TOTAL			\$17,801.01

AGREEMENT:	
I/we represent and warrant that I/we have authority to enter into this Contract. We accept the aforementioned and further accept the PIZZO & ASSOCIATES, LTD. STANDARD TERMS AND CONDITIONS, attached and hereby made part of this contract. We do hereby authorize Pizzo & Associates, Ltd. to perform the work as stated.	
Authorized Representative/Date	
City of DeKalb, IL	
Authorized Representative/Date	
Pizzo & Associates, Ltd.	

If acting on behalf of the Owner	
Printed Name:	
Company Name:	
Title:	
Main Phone:	
Mobile Phone:	
e-mail Address:	

EXHIBIT "C"

Recommended Natural Area Maintenance Specifications

The main purpose of stewardship is to not allow non-native/weedy species from germinating seed. Stewardship work shall begin immediately after native herbaceous planting and continue for five growing seasons. Moderate Stewardship applications should follow every 1-3 years after the fifth growing season.

1-2 Years

What to Expect: Within three months of seed installation, the total vegetation cover in all areas seeded with cover crop shall be greater to or equal than 75%. By the end of the first full growing season, 25% of the native species installed via seed shall be alive and apparent. At the end of the second full growing season 50% of the native species installed via seed shall be alive and apparent. None of the dominant species within the seeded area(s) shall be non-native or invasive/exotic species. 80% live plug survival at end of first year and 100% shrub survival after first year. If these percentages are not met by the end of the first year the installation contractor shall replace original material one time.

Stewardship:

Fertilize: All native seed mixes shall be combined with an appropriate EndoMycorrhizal inoculant. Application rate shall be a minimum of forty (40) pounds per acre. Absolutely no other fertilizers shall be used for this work.

Watering: Normal rainfall shall be adequate moisture for seed germination and growth, however if drought conditions exist after seeding consistent moisture should be maintained for a minimum of 6-8 weeks after planting. Live plugs require the 6-8 weeks of watering to properly establish. Watering should be conducted in the morning.

Hand Pulling: Hand pulling is the main form of invasive/weedy species control. Mowing is unnecessary. In event of mass infestation may be necessary to mow. Hand pull every 2-4 times per year, weather dependent with a combination of spot herbicide. Species targeted for complete hand weeding shall include the removal of all plant parts from the soil, including ground growth and all roots or rhizomes present in the ground. Species targeted for partial handweeding shall include removal of plant reproductive parts (i.e. seed heads). All removed material shall be discarded off-site.

Mowing: Regular mowing shall be conducted with a conventional rotary mower, sickle type mowers, or a flail type mower at no more than six inches of vegetation cut. During the first year of natural area establishment mow the site keeping vegetation under eight inches. The second year should be kept under 12 inches.

Herbicide: Only persons with a State of Illinois herbicide applicator license and trained in plant identification shall perform the application of herbicides. Herbicide should not be applied within two hours of anticipated precipitation or if the soil is extremely wet. Small populations or individual specimens of undesirable species shall be controlled with spot herbicide applications of backpack spray treatments or hand wicking

Collect and Disperse Seed: Native seed desired for the specific site should be hand seeded in areas where vegetation has been herbicide or hand pulled. Seed can be collected from mature plants on site or purchased.

Live Plugs: Live plugs shall need ample moisture continuously to develop into vigorous mature plants. Maintain *consistent moisture for a minimum of 6-8 weeks* after planting and then gradually reduce watering, depending on the climate and rainfall. Watering operations shall be conducted in the morning hours ending no later than 10:00 a.m., and each area of water coverage shall receive a 15-minute watering minimum. If planting operations are conducted in the fall, watering applications may need to be extended or delayed until spring. After the initial 6-8 week period, normal rainfall shall be adequate moisture for continued healthy growth. However if drought conditions exist (less than .25" of water after 2 weeks) the Owner shall be responsible for maintaining consistent moisture for the remainder of the growing season or until drought conditions subside.

Buffalo Grass: Normal rainfall shall be adequate moisture for seed germination and growth, however if drought conditions exist consistent moisture should be maintained for a minimum of 6-8 weeks after seeding. As seedlings emerge and develop, irrigate less frequently but often enough to prevent drought stress. Mow seedlings at a height of 2 to 3 inches when the new seedlings have reached a height of 3 inches. Try to remove no more than one-third of the vertical growth at each mowing. For low-maintenance areas mow at 3 to 4 inches every three to four weeks. Buffalo grass may also be left unmown except for an annual spring mowing at 3 to 4 inches to remove old growth. Fertilize Buffalo Grass lawn the first year with one application the following 2nd and 3rd year. For an optimal greening effect you may fertilize Buffalo Grass as often as you choose to mow. Annual weeds may be controlled with spring applications of pre-emergence herbicides. For control of winter annual weeds and invasive cool-season grasses like Kentucky bluegrass, spray Roundup on dormant buffalo grass in winter before Greenup begins.

3-5 Years

What to Expect: During the third and fourth growing seasons, the percentage of native species found to be alive and apparent shall increase each year, as shall percent of native cover. By the end of the fifth growing season the stand of vegetation shall consist of no less than three native plants per square foot as measured throughout the entire project area. There shall be zero exotic species that have become established throughout the entire project.

Stewardship:

Hand Pulling: Hand pulling is the main form of invasive/weedy species control. Mowing is unnecessary based on site components unless a mass infestation occurs in which it may be necessary to mow. Hand pull invasive/weedy species every 2-4 times per year, weather dependent with a combination of spot herbicide application. Species targeted for complete hand weeding shall include the removal of all plant parts from the soil, including ground growth and all roots or rhizomes present in the ground. Species targeted for partial handweeding shall include removal of plant reproductive parts (i.e. seed heads). All removed material shall be discarded off-site.

Herbicide: Only persons with a State of Illinois herbicide applicator license and trained in plant identification shall perform the application of herbicides. Herbicide should not be applied within two hours of anticipated precipitation or if the soil is extremely wet. Small populations or individual specimens of undesirable species shall be controlled with spot herbicide applications of backpack spray treatments or hand wicking.

Mowing: Regular mowing shall be conducted with a conventional rotary mower, sickle type mowers, or a flail type mower at no more than six inches of vegetation cut.

Collect and Disperse Seed: Native seed desired for the specific site should be hand seeded in areas where vegetation has been herbicide or hand pulled. Seed can be collected from mature plants on site or purchased.

5+ Years

What to Expect: By the end of the fifth growing season the stand of vegetation shall consist of no less than three (3) native plants per square foot as measured throughout the entire project area. There shall be zero (0) invasive/exotic species that have become established throughout the entire project area. There shall be no area(s) greater than twelve inches by twelve inches (12" x 12") that are devoid of vegetation. There shall be no rills or gullies present throughout the project area.

Stewardship:

Mowing: Regular mowing shall be conducted every other year with a conventional rotary mower, sickle type mowers, or a flail type mower at no more than six inches of vegetation cut. During the first year of natural area establishment mow the site keeping vegetation under eight inches. The second year should be kept under 12 inches.

Burn: The reintroduction of fire into fire-dependent ecosystems will maintain and enhance those ecosystems along with modifying vegetation to achieve specific land management objectives. A prescribed burn may be necessary after the 5th year of establishment to suppress invasive species, improve native species diversity, recycle valuable nutrients into the native soil matrix, and reduce hazardous fuels. At minimum a prescribed burn should be performed every 2-3 years with interm mowing in late fall or spring. All fire crew members on burns must have highly trained experience, with a minimum certification in NWCG s130/s190 with at least one year of prescribed fire experience in the Midwest. The prescribed fire contractor shall complete a burn plan for approval by the owner and local official prior to burning. All permits and permissions should be granted by federal, state, county, and local agencies. Identify natural firebreaks such as roads or waterways. If no natural break is apparent dozer lines, hand lines, or mown paths should be created to break up the fire path. Optimal prescribed burn season is from April-May and November-December weather permitting. After the main fire has passed the contractor shall mop up burning material to 100% black. Any burning material must be extinguished.

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April 22, 2011.



Lou Larson
Building Supervisor
City of DeKalb
223 S 4th St, Suite A
DeKalb, IL 60115

Re: Permit for Concrete Scale Approach Slab/2010 Bioswale/Raingarden MOU

Dear Lou,

As you may know, we have an agreement with the city to install an approach slab for our scale in conjunction with the Bioswale project. In that agreement, DIMCO's responsibilities are to pay for repairing our fence and installing the slab.

Pursuant to our conversation on Wednesday, April 20 concerning the condition of the curb, I discussed the cost of replacing the curb adjacent to the approach slab (for which we are requesting a permit) with my contractor (Mike Long) and he estimated it would cost at least \$2000. I do not have an extra \$2000 to spend on this project.

If the city is willing (and able) to include that section of curb with the curb they are replacing adjacent to the bioswale, we can proceed with installing the slab when that is done. If the city is not able to replace the curb, then we withdraw our permit application.

I am copying this letter to all the invested parties in case any of them wish to contact me about this issue.

Sincerely,

Jeff Gorman

Cc: Kris Povlsen, Mayor
Steven C. Kapitan, City Clerk ✓
Joel Maurer, P.E., Assistant Director of Public Works
Jennifer Diedrich, Environmental Commission
Mark Hein, VP, DeKalb Iron & Metal Co.