

# Request for City Council Action

**Date:** September 7, 2010

<b>Agenda Section:</b> Consent Agenda  <b>No.</b>	<b>Originating Department:</b> City Attorney
<b>Item:</b> A Resolution authorizing the City Manager to enter into a Contract with Carbondale Veneer Company, Inc. for removal of trees from Water Treatment Plant Property  <b>No. 5.12</b>	

**Background and Summary:**

Due to extensive wind damage from the May 8, 2009 storms, the City's property at the Water Treatment Plant still has many damaged trees on the ground that pose a hazard. Carbondale Veneer Company, Inc. currently is working in that area and has approached the City for the purchase of certain storm-damaged timber at rates set out in the proposed contract.

The City finds that the storm-damaged timbers authorized for sale to Carbondale Veneer Company, Inc. are property which are unusable to the City and are obsolete, as per the Carbondale Revised Code.

**Recommended Action:**

It is recommended that the City Council approve a Resolution authorizing the City Manager to enter into a Contract with Carbondale Veneer Company, Inc. for the removal of trees from the Water Treatment Plant property.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by: \_\_\_\_\_ 2nd by: \_\_\_\_\_ to: \_\_\_\_\_

**RESOLUTION NO. 2010-R - \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CARBONDALE VENEER COMPANY, INC. FOR REMOVAL OF TREES FROM WATER TREATMENT PLANT PROPERTY**

**WHEREAS**, the City of Carbondale, Illinois, is a municipal corporation created under the laws of the State of Illinois; and

**WHEREAS**, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public, health, safety, morals and welfare; and

**WHEREAS**, the City is owner of property designated as Water Treatment Plant property; and

**WHEREAS**, storms in May 2009 uprooted or damaged many trees located on the City's Water Treatment Plant property; and

**WHEREAS**, many of the trees are still down and need to be removed; and

**WHEREAS**, Carbondale Veneer Company, Inc. is willing to pay for certain storm-damaged timber and will haul away the dead and uprooted trees which create a hazard, all for the benefit of the City;

**WHEREAS**, the City determines that any and all trees authorized for sale to Carbondale Veneer Company, Inc., are property which is unusable to the City and is obsolete, as defined in Carbondale's City Code;

**WHEREAS**, the City Council has determined that it is in the best interest of the citizens of Carbondale to enter into a certain Contract with Carbondale Veneer Company, Inc. for the removal

of certain trees, and the sale by the City to Carbondale Veneer Company, Inc. of other specifically determined trees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** That the City Council deems it is in the best interest of the City of Carbondale to enter into a Contract with Carbondale Veneer Company, Inc. for the removal of dead trees on city property and the sale of certain storm-damaged timber pursuant to a scale as more fully set out in Exhibit "A", being a proposed Contract, a copy of which is made a part of this Resolution.

**SECTION 2.** That the City Manager is hereby authorized to enter into a Contract, as set out in Exhibit A, with Carbondale Veneer Company, Inc.

**SECTION 3.** That the City Manager and Staff are hereby authorized to take any and all necessary, reasonable and proper actions to carry out the intent and purpose of this Resolution.

**SECTION 4.** That this Resolution be spread at length upon the minute records of the City Council of the City of Carbondale, Illinois.

This Resolution is adopted at a regular meeting of the City Council of the City of Carbondale, Illinois on the 7th day of September, 2010.

APPROVED: \_\_\_\_\_  
Brad Cole, Mayor

FOR: \_\_\_\_\_  
AGAINST: \_\_\_\_\_  
PASSED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
RECORDED: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Janet M. Vaught, City Clerk

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
P. Michael Kimmel, City Attorney