

Village of La Grange



VILLAGE BOARD MEETING

MONDAY, NOVEMBER 9, 2009

7:30 p.m.

Village Hall Auditorium

53 S. La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger
Village President

Robert N. Milne
Village Clerk

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING

Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

AGENDA

Monday, November 9, 2009 – 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL
*President Elizabeth Asperger
Trustee Bill Holder
Trustee Mike Horvath
Trustee Mark Kuchler
Trustee Mark Langan
Trustee Tom Livingston
Trustee James Palermo*
2. PRESIDENT'S REPORT
This is an opportunity for the Village President to report on matters of interest or concern to the Village.
3. PUBLIC COMMENTS REGARDING AGENDA ITEMS
This is the opportunity for members of the audience to speak about matters that are included on this Agenda.
4. OMNIBUS AGENDA AND VOTE
Matters on the Omnibus Agenda will be considered by a single motion and vote because they already have been considered fully by the Board at a previous meeting or have been determined to be of a routine nature. Any member of the Board of Trustees may request that an item be moved from the Omnibus Agenda to Current Business for separate consideration.
 - A. Approve and Authorize Village President and Village Clerk to Execute Amendment to Village Manager Employment Agreement
 - B. Ordinance – Design Review Permit (DRP) #78, 42-44 S. La Grange Road, Dinico's Pizza / Giuseppe Piccione, Business Owner
 - C. Burlington Avenue Resurfacing Project, Kensington Avenue to Brainard Avenue: (1) Engineering Services Agreement; (2) Engineering Task Order; (3) Local Agency Agreement for Federal Stimulus Funds; & (4) MFT Resolution

- D. Equipment Purchase – Public Works Department / Hot Patch Asphalt Trailer
- E. Award of Contract – Installation of Holiday Lights
- F. Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, October 26, 2009
- G. Minutes of the Village of La Grange Board of Trustees Special Meeting Monday, October 26, 2009
- H. Consolidated Voucher 091109

5. CURRENT BUSINESS

This agenda item includes consideration of matters being presented to the Board of Trustees for action.

- A. Ordinance – Variation – Maximum Building Coverage and Maximum Lot Coverage / Kevin and Jeannette Barnicle, 20 N. Catherine Avenue:
Referred to Trustee Kuchler
- B. La Grange Business Association / 2009 Holiday Walk – Request for Village Sponsorship: *Referred to Trustee Langan*
- C: Preliminary Review of the Proposed 2009 Property Tax Levy Request:
Referred to Trustee Holder

6. MANAGER’S REPORT

This is an opportunity for the Village Manager to report on behalf of the Village Staff about matters of interest to the Village.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

This is an opportunity for members of the audience to speak about Village related matters that are not listed on this Agenda.

8. EXECUTIVE SESSION

The Board of Trustees may decide, by a roll call vote, to convene in executive session if there are matters to discuss confidentially, in accordance with the Open Meetings Act.

9. TRUSTEE COMMENTS

The Board of Trustees may wish to comment on any matters.

10. ADJOURNMENT

The Village of La Grange is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions, regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at (708) 579-2315 promptly to allow the Village to make reasonable accommodations for those persons.

OMNIBUS VOTE

VILLAGE OF LA GRANGE
Administrative Offices

BOARD REPORT

TO: Village Clerk, Board of Trustees, and Village Attorney
FROM: Elizabeth M. Asperger, Village President
DATE: November 9, 2009
RE: **EMPLOYMENT AGREEMENT – VILLAGE MANAGER**

As you are aware, the Village Board recently completed its performance evaluation process for the Village Manager, Robert Pilipiszyn. I appreciate your thoughtful participation in this process. I am pleased to share with the community our collective agreement that La Grange is indeed fortunate to have such a talented, dedicated and capable Village Manager.

The Village Board has rewarded Bob with a pay increase and extension of his employment contract. Attached for your formal approval is an amendment to Bob's employment agreement which stipulates a new annual salary of \$160,054 and extends his term of employment until April 30, 2013.

The employment agreement as amended represents both the Village Board's satisfaction with Bob's performance, and its desire to remain competitive with the marketplace in order to retain him.

I seek your approval and authority to execute the agreement.

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4-A

VILLAGE OF LA GRANGE

**FIRST AMENDMENT EXTENDING THE TERM
OF THE VILLAGE MANAGER EMPLOYMENT AGREEMENT**

This is a First Amendment ("*First Amendment*") to the employment agreement between the Village of La Grange, an Illinois municipal corporation, (the "Village") and Robert J. Pilipiszyn (the "Employee").

WITNESSETH:

WHEREAS, the Employee has been employed by the Village as the Village Manager since August 1, 2004; and

WHEREAS, the Employee entered to an employment agreement with the Village titled "Village Manager Employment Agreement," with a term commencing May 1, 2007, and concluding April 30, 2009 (the "*Employment Agreement*"); and

WHEREAS, the Employee continues to be a valued and trusted employee whose management skills are integral to the efficient and effective operation of the Village; and

WHEREAS, the President and Board of Trustees of the Village (the "*Board of Trustees*") desire that the Employee continue in the employ of the Village as Village Manager, and the Employee desires to continue his employment as Village Manager; and

WHEREAS, the Employee and the Village have agreed that it is appropriate to enter into this First Amendment to extend the term of the Employment Agreement;

NOW, THEREFORE, the Village and the Employee hereby agree as follows:

Section 1. Recitals.

The foregoing recitals are hereby incorporated into and made a part of this First Amendment.

Section 2. Amendment of Certain Provisions of Employment Agreement.

A. Extension of Term. Pursuant to Subsection 2C of the Employment Agreement, the term of the Employment Agreement is extended until April 30, 2013.

B. Base Salary. Pursuant to Subsection 5A of the Employment Agreement, the Employee's annual base salary for Fiscal Year commencing May 1, 2009, and concluding April 30, 2010, is \$160,054.

4-A-1

Section 3. Continued Applicability of Employment Agreement.

All of the provisions of the Employment Agreement remain in full force and effect except only as specially amended by Subsections 2A and 2B of this First Amendment.

Section 4. Effective Date.

This First Amendment is effective as of May 1, 2009.

VILLAGE OF LA GRANGE

By: _____
Elizabeth Asperger, Village President

Attest:

By: _____
Robert Milne, Village Clerk

EMPLOYEE

Robert J. Pilipiszyn

8860002_v1

4-14.2

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

TO: Village President, Village Clerk,
Board of Trustees and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Patrick D. Benjamin, Community Development Director
Sylvia Gonzalez, Staff Liaison

DATE: November 9, 2009

RE: **ORDINANCE – DESIGN REVIEW PERMIT (DRP) #78, 42-44
SOUTH LA GRANGE ROAD, DINICO’S PIZZA/GIUSEPPE
PICCIONE, BUSINESS OWNER**

Giuseppe Piccione, owner of Dinico’s Pizza, has leased both storefronts at 42-44 South La Grange Road. Mr. Piccione has applied for a design review permit to make improvements to create one storefront for his restaurant. This project would allow for an enhancement to the appearance of the property while maintaining the character and quality of the building.

Pursuant to the Village’s code the addition of new entrances/doorways and windows requires the issuance of a building permit. Accordingly, Section 8-305 of the Zoning Code states that “*no person shall permit any construction, alteration, or remodeling of any building or structure that is located within the Design Review District, for which a building permit is required, that affects the exterior appearance of the building unless a Design Review Permit has been obtained.*”

On October 28, 2009, the Design Review Commission held a public meeting on this matter. At the meeting, Mr. Piccione presented the application. The proposed improvements include the elimination of two doors to be replaced with one door, the installation of three new windows together with bronze colored framing and the removal of the existing marble tile at the base of the storefront to be replaced with new.

After questions and comments from the Commissioners, the Design Review Commission voted unanimously to recommend approval of Design Review Permit #78 to the Village Board.

Staff concurs with the recommendation of the Design Review Commission and has prepared the necessary ordinance approving Design Review Permit #78 for the storefront façade at 42-44 South La Grange Road.

4-13

ORDINANCE NO. O-09-

AN ORDINANCE GRANTING A DESIGN REVIEW PERMIT FOR
42-44 SOUTH LA GRANGE ROAD

PASSED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF LA GRANGE

THIS _____ DAY OF _____, 2009.

Published in pamphlet form by authority of the Board of Trustees of the Village of La Grange, County of Cook, State of Illinois this _____ day of _____, 2009.

WHEREAS, Giuseppe Piccione, has filed an application with the Village of La Grange seeking a Design Review Permit to remodel the storefront facade of the property commonly known as 42-44 South La Grange Road, in the Village; and

WHEREAS, the La Grange Design Review Commission held a public meeting on October 28, 2009 to consider the applicant's request for a Design Review Permit; and

WHEREAS, the President and Board of Trustees have considered the applicant's proposal, and are fully advised in the premises; and

WHEREAS, the President and Board of Trustees of the Village of La Grange have authority to issue a Design Review Permit for a facade renovation of a building in a Design Review Overlay District requested by the applicant, pursuant to the applicable provisions of the Illinois Municipal Code and Article 14-403 of the La Grange Zoning Code; and

WHEREAS, the President and Board of Trustees have determined that the applicant has satisfied the standards for a Design Review Permit and that a Design Review Permit should be granted;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, County of Cook and State of Illinois, as follows:

SECTION 1. RECITALS. The foregoing recitals are incorporated herein as findings of the President and Board of Trustees.

SECTION 2. GRANTING OF DESIGN REVIEW PERMIT. The Board of Trustees acting under and by virtue of the authority conferred on it by the laws of the State of Illinois and by Section 14-403 of the La Grange Zoning Code, does hereby grant a Design Review Permit to the applicants to remodel the building on the subject property in strict compliance with plans and specifications for such remodeling attached to this Ordinance as Exhibit 1 and by this reference incorporated into this Ordinance.

4-B-1

**SECTION 3. FAILURE TO COMPLY WITH PLANS AND SPECIFICATIONS
REVOCATION OF PERMIT.** Any failure or refusal of the Applicant to comply with any one of the plans and specifications or provisions of this Ordinance shall be grounds for the immediate revocation by the Board of Trustees, of the Design Review Permit granted in Section 2 of this Ordinance. In the event of any such revocation, the Design Review Permit shall immediately become null and void and work authorized thereby shall cease and desist immediately.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form for review at the La Grange Village Offices and the La Grange Public Library.

ADOPTED this _____ day of _____, 2009, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2009.

Elizabeth Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

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Village of La Grange

33 S. La Grange Road, La Grange, IL 60525
Phone (708)579-2320 Fax (708)579-0980

DESIGN REVIEW PERMIT APPLICATION

Case No.: 78
Date Submitted: 10/19/09
UARCO No.: 88946

**TO THE PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF LA GRANGE, ILLINOIS**

Application is hereby made by (Please Print): Dinicos Pizza - Giuseppe Piccione
Address: 42 S. La Grange Rd La Grange Phone: 708-516-5852
Owner of property located at: Jim Seay Niffth Shields
Permanent Real Estate Index No.: _____
Present Use: Vacant Present Zoning Class: Commercial C-1

PLAT OF SURVEY must be submitted with application. The plat should show any existing buildings on the petitioned property as well as any existing buildings on property immediately adjacent.

The applicant must provide the following DATA AND INFORMATION:

1. Detailed plans depicting all work proposed to be done, including detailed renderings of any exterior alterations and of the exterior of any proposed new building. Such rendering shall show proposed exterior colors and textures.
2. Standards and Considerations. State how the proposed use or development achieves the purposes for which the Design Review District is designated.
New Windows, Frames, and New Entrance
to Create One Storefront Compatible to
adjacent Businesses
3. Visual Compatibility. New and existing buildings and structures, and appurtenances thereof, which are constructed, reconstructed, materially altered, repaired, or moved shall be visually compatible in terms of the following criteria:
 - a. Height. The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.
 - b. Proportion of Front Facade. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
 - c. Proportion of Openings. The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and place to which the building is visually related.
 - d. Rhythm of Solids to Voids in front Facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
 - e. Rhythm of Spacing and Buildings on Streets. The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
 - f. Rhythm of Entrance Porch and Other Projections. The relationship of entrances to other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.

4-13.3

- g. Relationship of Materials, Texture and Color. The relationship of the materials, texture, and color of the facade shall be visually compatible with the predominant materials used in the buildings and structure to which it is visually related.
 - h. Roof Shapes. The roof shape of a building shall be visually compatible with the building to which it is visually related.
 - i. Walls of Continuity. Building facade and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.
 - j. Scale of Building. The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies, shall be visually compatible with the buildings, public ways, and places to which they are visually related.
 - k. Directional Expression of Front Elevation. A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in this directional character, whether this be vertical character, horizontal character, or non-directional character.
4. Quality of Design and Site Development. New and existing buildings and structures and appurtenances thereof which are constructed, reconstructed, materially altered, repaired, or moved shall be evaluated under the following quality of design and site development criteria:
- a. Open Spaces The quality of the open spaces between buildings and in setback spaces between street and facade.
 - b. Materials The quality of materials and their relationship to those in existing adjacent structures.
 - c. General Design The quality of the design in general and its relationship to the overall character of the neighborhood.
 - d. General Site Development The quality of the site development in terms of landscaping, recreation, pedestrian access, automobile access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.

NOTICE: This application must be filed with the office of the Community Development Director together with the following:

- **Filing fee of Two Hundred Dollars (\$200), which is non-refundable;**
- **Current photo of property;**
- **Visual proposal depicting final plan, including but not limited to detailed renderings of any exterior alterations. Such rendering shall show proposed exterior colors and textures. (In some cases architectural drawing may be required);**
- **Material samples, including but not limited to, paint, wood finish, stone, brick, fabric for awnings, etc;**

The minimum fee shall be payable at the time of the filing of such request. It is also understood that the applicant shall reimburse the Village, any additional costs over and above these minimums which are incurred by the Village. Such additional costs shall be paid by the applicant prior to the Board of Trustees making a decision regarding the request.

4-B.4

I, undersigned, do hereby certify that I am the owner, or contract purchaser (evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application) do hereby certify that the above statements are true and correct to the best of my knowledge.

George Picione 425 LaGrange (Signature of Owner or Contract Purchaser) (Address)

LaGrange, IL (State) 60525 (Zip Code) (City)

Subscribed and sworn to before me this 19th day of October, 2009

Sylvia Gonzalez (Notary Public)

(Seal)



Enclosures: _____

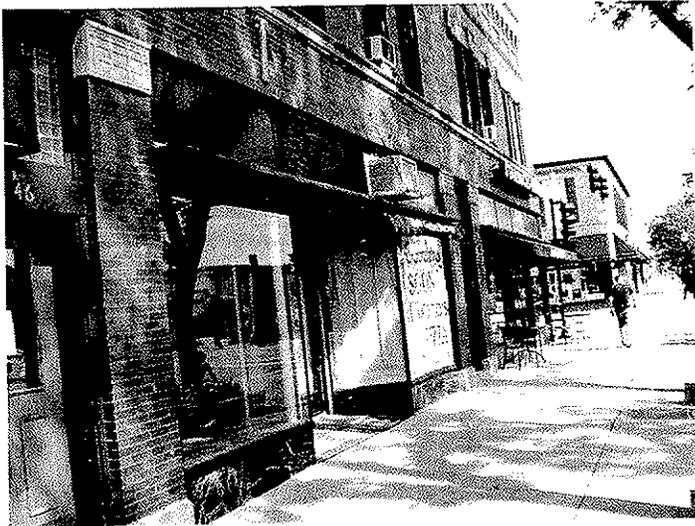
4-B.5



E5
A103
PROPOSED STOREFRONT ELEVATION
 SCALE: 3/16" = 1'-0"

- DARK BRONZE ANODIZED THERMALLY BROKEN ALUMINUM STOREFRONT SYSTEM TO MATCH ADJACENT TENANT STOREFRONT (KAWNEER TRIFAB VG 451T OR SIMILAR)
- TILE STOREFRONT CURB TO MATCH ADJACENT TENANT
- EXISTING INFILL TO REMAIN
- TENANT SIGNAGE, TYP.
- EXISTING STOREFRONT, TYP.

4-10-6



4-B.7

MINUTES

Design Review Commission of the
Village of La Grange
October 28, 2009

I. CALL TO ORDER AND ROLL CALL:

A meeting of the Design Review Commission was held on October 28, 2009 in the Village Hall Auditorium, 53 South La Grange Road, La Grange, IL and was convened at 6:30 p.m. by Chairman Andrea Barnish.

Present: (and constituting a quorum): Commissioners McClinton, Young, Ozer, Thuma and Vizek with Chairman Andrea Barnish presiding.

Absent: Commissioner Reardon.

Also Present: Giuseppe Piccione, owner of Dinico's Pizza and Sylvia Gonzalez, Staff Liaison.

II. APPROVAL OF MINUTES:

On motion by Commissioner Young second by Commissioner McClinton, the Minutes of the September 16, 2009 Design Review Commission meeting were approved as typed and distributed.

III. BUSINESS AT HAND:

DRP #78 DESIGN REVIEW PERMIT FOR 420-44 SOUTH LA GRANGE ROAD, DINICO'S PIZZA/GIUSEPPE PICCIONE, BUSINESS OWNER

Giuseppe Piccione, owner of Dinico's Pizza appeared before the Design Review Commission seeking a Design Review Permit for the property 42-44 South La Grange Road. Mr. Piccione proceeded to present the application stating that he has leased both storefronts and currently they consist of two doorways and two windows. He stated that the doors appear to be very old; each door has three different locks on it. He further stated that the building is approximately 107 years old and it appeared the existing windows were the property's original windows. Mr. Piccione informed the Commissioners that it was his intention to remove both doorways and replace with one new doorway, install three new double panes, lightly tinted windows together with new bronze colored framing and install new marble tile at the base of the storefront matching the adjacent storefront (Starbucks).

Commissioner Thuma stated that panels above the storefront windows appear to be wooden and questioned if these would be removed. Mr. Piccione stated that these would be removed and replaced with a light opaque spandrel glass.

Chairperson Barnish stated that the floor at the entrance appears to be a broken tile concrete. She questioned if this would be repaired. Mr. Piccione stated that it would be removed and replaced with a solid concrete floor.

4-B.8

Commissioner Ozer questioned if he would be re-using or replacing the marble tile at the base of the storefront. Mr. Piccione stated it would be removed and replaced with new.

Commissioner Thuma questioned what type of door handle would be installed. Mr. Piccione stated it would be stainless steel.

Commissioner Ozer questioned if the window unit air conditioner would be removed. Mr. Piccione stated it would be removed and would not be replaced. He further stated that a unit would be placed on the roof of the building.

There being no further questions or comments by the Commissioners, on motion by Commissioner Ozer and second by Commissioner Vizek the Design Review Commission voted unanimously that Design Review Permit #78 be recommended for approval by the Village Board of Trustees

IV. OLD BUSINESS

None.

V. ADJOURNMENT:

There being nothing further to come before the Design Review Commission, on motion by Commissioner Young and second by Commissioner Ozer, the Design Review Commission meeting of October 28, 2009 was adjourned at 7:15 p.m.

Respectfully Submitted:

Sylvia Gonzalez, Staff Liaison

4-B.9

VILLAGE OF LA GRANGE
Department of Public Works

BOARD REPORT

TO: Village President, Village Clerk, Board of Trustees, and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Ryan Gillingham, Director of Public Works

DATE: November 9, 2009

RE: **BURLINGTON AVENUE RESURFACING PROJECT, KENSINGTON AVENUE TO BRAINARD AVENUE: (1) ENGINEERING SERVICES AGREEMENT; (2) ENGINEERING TASK ORDER; (3) LOCAL AGENCY AGREEMENT FOR FEDERAL STIMULUS FUNDS; & (4) MFT RESOLUTION**

Burlington Avenue from Kensington Avenue to Brainard Avenue is in need of repair and is included in the FY2009-10 budget for both design and construction. This project generally consists of milling and resurfacing the existing pavement, intermittent sidewalk and curb and gutter replacement, and surface drainage corrections as required. The scope of improvements to this section of roadway will be very similar in nature to the recently completed Central Business District Street Resurfacing Project.

This project was originally scheduled for construction in the summer of 2009, however this schedule was changed since funds from the American Recovery and Reinvestment Act (ARRA) in the amount of \$166,918 were allocated for this project through the Central Council of Mayors. Since federal stimulus funds are used to fund this project, federal and IDOT guidelines must be followed for the development and approval of the plans and specifications. Additionally, this project will be bid by IDOT because of the federal funding involved.

The Village Board approved a contract with Baxter & Woodman in April 2009 to complete the plans and specifications for this project. The project plans have been completed and submitted to IDOT for approval. Based on the current IDOT letting schedule, we anticipate the following schedule for the project:

<u>Action</u>	<u>Completion Date</u>
IDOT Project Letting	January 15, 2010
Construction Start	April 2010
Construction Completion	July 2010

4-C

Funding for this project was originally provided with MFT funds in the amount of \$273,500. Since the ARRA grant was made available for this project, MFT funds are planned to be utilized to make up the difference between actual project costs and the funding provided through the ARRA grant. The Central Council of Mayors has indicated that if additional federal stimulus funds become available, these funds will be provided to the Village of La Grange for the Burlington Avenue Resurfacing Project. Finally, the ARRA funds are for construction costs only and engineering costs must be borne by the Village. The following table details the project budget for the Burlington Avenue Resurfacing Project:

Burlington Avenue Resurfacing Project – Kensington Avenue to Brainard Avenue	FY2009-10 BUDGET
Expenses	
Engineering	
Phase II – Development of Plans and Specifications	19,250.00
Phase III – Construction Engineering	35,650.00
Subtotal	54,900.00
Construction (Estimated)	335,000.00
Total	389,900.00
Revenues	
Capital Projects Fund – FY2009-10 Budget	273,500.00
Central Council of Mayors – American Reinvestment and Recovery Act (ARRA) Funds	166,918.00
Total	440,418.00

In order to facilitate the proposed letting and construction schedule, attached for your consideration and approval are the following documents required by IDOT in anticipation of the January 2010 contract bid and letting process: 1) Construction Engineering Services Agreement For Motor Fuel Tax Funds with Baxter & Woodman; 2) Task Order No. 4 with Baxter & Woodman; 3) Local Agency Agreement for Federal Participation; and 4) Resolution for Improvement by Municipality Under the Illinois Highway Code (Motor Fuel Tax).

The first agreement is for the approval of the Construction Engineering Services Agreement For Motor Fuel Tax Funds with Baxter & Woodman. We recommend Baxter & Woodman perform the construction management for this project based on their knowledge of this project and experience in this type of work. Baxter & Woodman successfully performed these same construction engineering activities for the Village for the CBD Resurfacing Project. Baxter & Woodman proposes to complete all construction inspection, documentation, preparation of all contractor payments, and submission of as-built drawings for an amount not to exceed \$35,650. The second agreement is for the authorization to execute a task order with Baxter & Woodman for this work in accordance with the supplemental municipal engineering contract.

4-C.1

In order to receive the federal funds that have been allocated through the Central Council of Mayors, the third agreement titled Local Agency Agreement for Federal Participation, which details the proportionate construction costs of the work, is required. The agreement states that the maximum federal participation shall not exceed \$166,900, however as previously mentioned this value may change should additional ARRA funds become available through the Central Council of Mayors. If additional funds become available, a revised agreement will be required.

Finally, IDOT requires for the utilization of MFT funds that a Resolution for Improvement by Municipality Under the Illinois Highway Code be approved. The total of this resolution is \$203,750, which includes \$35,650 for construction engineering and \$168,100 for construction. The amount of MFT funds estimated for construction is calculated by subtracting the available ARRA funds of \$166,918 from the estimated construction costs of \$335,000. Adequate funds exist in the Village's Motor Fuel Tax Fund to cover these expenditures.

There are two operational matters that we would like to bring to your attention at this time. First, as this segment of Burlington Avenue constitutes a major portion of the Pet Parade route, we have initiated planning efforts to minimize disruption to this community event. Second, we are developing a temporary parking plan that we will vet with senior staff and the Community and Economic Development Commission.

It is our recommendation that the Village Board approve the construction engineering services agreement (construction management) and task order approval with Baxter & Woodman in the amount of \$35,650 for construction engineering services. We also recommend the Village Board approve the agreement between the Village and IDOT for the use of ARRA funds in the amount of \$166,918. Finally, we recommend that the Village Board approve the IDOT required Motor Fuel Tax Resolution in the amount of \$203,750 to fund the construction engineering services and the balance of construction costs. The approval of these documents is required in order to receive the ARRA funds for the project and remain on the above letting schedule.

4-C.2

Municipality La Grange (V)	L O C A L A G E N C Y	 Illinois Department of Transportation Preliminary/Construction Engineering Services Agreement For Motor Fuel Tax Funds	C O N S U L T A N T	Name Baxter & Woodman, Inc
Township Lyons				Address 8840 West 192 nd Street
County Cook				City Mokena
Section 09-00083-00-RS				State IL 60448

THIS AGREEMENT is made and entered into this _____ day of _____, 2009 between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the improvement of the above SECTION. Motor Fuel Tax Funds, allotted to the LA by the State of Illinois under the general supervision of the State Department of Transportation, hereinafter called the "DEPARTMENT", will be used entirely or in part to finance ENGINEERING services as described under AGREEMENT PROVISIONS.

Section Description

Name Burlington Avenue LAPP Route FAU 3782 Length 1,468 LF(0.28 Miles)(Structure No. N/A)

Termini Brainard Avenue to Kensington Avenue

Description: ENGINEER's project number 090347.60
 Construction Engineering (Administration and Resident Project Representative) Services
 See Exhibit A for Project Description
 See Exhibit B for Engineering Scope of Services

Agreement Provisions

The Engineer Agrees,

1. To perform or be responsible for the performance of the following engineering services for the LA in connection with the proposed improvement herein before described, and checked below:
 - a. Make such detailed surveys as are necessary for the preparation of detailed roadway plans.
 - b. Make stream and flood plain hydraulic surveys and gather high water data and flood histories for the preparation of detailed bridge plans.
 - c. Make or cause to be made such soil surveys or subsurface investigations including borings and soil profiles and analyses thereof as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations are to be made in accordance with the current requirements of the DEPARTMENT.
 - d. Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
 - e. Prepare Army Corps of Engineers Permit, Division of Water Resources Permit, Bridge waterway sketch and/or Channel Change sketch, Utility plan and locations and Railroad Crossing work agreements.
 - f. Prepare Preliminary Bridge Design and Hydraulic Report, (including economic analysis of bridge or culvert types) and high water effects on roadway overflows and bridge approaches.

Note Four copies to be submitted to the Regional Engineer

4-C.3

- g. Make complete general and detailed plans, special provisions, proposals and estimates of cost and furnish the LA with five (5) copies of the plans, special provisions, proposals and estimates. Additional copies of any or all documents, if required shall be furnished to the LA by the ENGINEER at his actual cost for reproduction.
- h. Furnish the LA with survey and drafts in quadruplicate of all necessary right-of-way dedications, construction easements and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.
- i. Assist the LA in the receipt and evaluation of proposals and the awarding of the construction contract.
- j. Furnish or cause to be furnished:

- (1) Proportioning and testing of concrete mixtures in accordance with the "Manual of Instructions for Concrete Proportioning and Testing" issued by the Bureau of Materials and Physical Research, of the DEPARTMENT and promptly submit reports on forms prepared by said Bureau.
- (2) Proportioning and testing of bituminous mixtures (including extracting test) in accordance with the "Manual of Instructions for Bituminous Proportioning and Testing" issued by the Bureau of Materials and Physical Research, of the DEPARTMENT, and promptly submit reports on forms prepared by said Bureau.
- (3) All compaction tests as required by the specifications and report promptly the same on forms prepared by the Bureau of Materials and Physical Research.
- (4) Quality and sieve analyses on local aggregates to see that they comply with the specifications contained in the contract.
- (5) Inspection of all materials when inspection is not provided at the sources by the Bureau of Materials and Physical Research, of the DEPARTMENT and submit inspection reports to the LA and the DEPARTMENT in accordance with the policies of the said DEPARTMENT.

- k. Furnish or cause to be furnished

- (1) A resident engineer, inspectors and other technical personnel to perform the following work: (The number of such inspectors and other technical personnel required shall be subject to the approval of the LA.)
 - a. Continuous observation of the work and the contractor's operations for compliance with the plans and specifications as construction proceeds, but the ENGINEER does not guarantee the performance of the contract by the contractor.
 - b. Establishment and setting of lines and grades.
 - c. Maintain a daily record of the contractor's activities throughout construction including sufficient information to permit verification of the nature and cost of changes in plans and authorized extra work.
 - d. Supervision of inspectors, proportioning engineers and other technical personnel and the taking and submitting of material samples.
 - e. ~~Revision of contract drawings to reflect as-built conditions.~~
 - f. Preparation and submission to the LA in the required form and number of copies, all partial and final payment estimates, change orders, records and reports required by the LA and the DEPARTMENT.

- 2. That all reports, plans, plats and special provisions to be furnished by the ENGINEER pursuant to this agreement will be in accordance with the current standard specifications and policies of the DEPARTMENT, it being understood that all such reports, plats, plans and drafts shall before being finally accepted, be subject to approval by the LA and the said DEPARTMENT.
- 3. To attend conferences at any reasonable time when requested to do so by the LA or representatives of the DEPARTMENT.
- 4. In the event plans, surveys or construction staking are found to be in error during the construction of the SECTION and revisions of the plans or survey or construction staking corrections are necessary, the ENGINEER agrees that he will perform such work without expense to the LA, even though final payment has been received by him. He shall give immediate attention to these changes so there will be a minimum delay to the contractor.
- 5. The basic survey notes and sketches, charts, computations and other data prepared or obtained by the ENGINEER pursuant to this agreement will be made available upon request to the LA or the DEPARTMENT without cost and without restriction or limitations as to their use.
- 6. To make such changes in working plans, including all necessary preliminary surveys and investigations, as may be required after the award of the construction contract and during the construction of the improvement.
- 7. That all plans and other documents furnished by the ENGINEER pursuant to the AGREEMENT will be endorsed by him

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and will show his professional seal where such is required by law.

- 8. To submit, upon request by the LA or the DEPARTMENT a list of the personnel and the equipment he/she proposes to use in fulfilling the requirements of this AGREEMENT.

The LA Agrees,

- 1. To pay the Engineer as compensation for all services performed as stipulated in paragraphs 4a, 4g, 1i, 1j, 1k, 2, 3, 5 and 6 in accordance with one of the following methods indicated by a check mark:
a. [] A sum of money equal to _____ percent of the awarded contract cost of the proposed improvement as approved by the DEPARTMENT.
b. [X] A sum of money equal to the percentage of the awarded contract cost for the proposed improvement as approved by the DEPARTMENT based on the following schedule:

Schedule for Percentages Based on Awarded Contract Cost

Table with 2 columns: Awarded Cost, Percentage Fees. Rows include: Under \$50,000, Cost Plus Fixed Fee (see note below), Not to Exceed \$35,650.00, As shown on attached, Exhibit C, and two blank rows.

Note: Not necessarily a percentage. Could use per diem, cost-plus or lump sum.

- 2. To pay for services stipulated in paragraphs 4b, 4c, 4d, 4e, 4f, 4h, 1j and 1k of THE ENGINEER AGREES at the hourly rates stipulated below for personnel assigned to this SECTION as payment in full to the ENGINEER for the actual time spent in providing these services the hourly rates to include profit, overhead, readiness to serve, insurance, social security and retirement deductions. Traveling and other out-of-pocket expenses will be reimbursed to the ENGINEER at his actual cost. Subject to the approval of the LA, the ENGINEER may sublet all or part of the services provided under paragraphs 4b, 4c, 4d, 4e, 4f, 1j and 1k of THE ENGINEER AGREES. If the ENGINEER sublets all or a part of this work, the LA will pay the cost to the ENGINEER plus a five (5) percent service charge. "Cost to ENGINEER" to be verified by furnishing the LA and the DEPARTMENT copies of invoices from the party doing the work. The classifications of the employees used in the work should be consistent with the employee classifications for the services performed. If the personnel of the firm including the Principal Engineer perform routine services that should normally be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the work performed.

Table with 2 columns: Grade Classification of Employee, 2009 Hourly Rate. Rows include: Principal, Sr. Engineer IV, Field Engineer, CAD Operator I, Technician, Clerical, and four blank rows.

The hourly rates itemized above shall be effective the date the parties, hereunto entering this AGREEMENT, have affixed their hands and seals and shall remain in effect until 12/31/2009. In event the services of the ENGINEER extend beyond 12/31/2009, the hourly rates will be adjusted yearly by addendum to this AGREEMENT to compensate for increases or decreases in the salary structure of the ENGINEER that are in effect at that time.

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3. That payments due the ENGINEER for services rendered pursuant to this AGREEMENT will be made as soon as practicable after the services have been performed, in accordance with the following schedule:
 - a. Upon completion of detailed plans, special provisions, proposals and estimate of cost - being the work required by paragraphs 1a through 1g under THE ENGINEER AGREES - to the satisfaction of the LA and their approval by the DEPARTMENT, 90 percent of the total fee based on the above fee schedule and the approved estimate of cost.
 - b. Upon award of the contract for the improvement by the LA and its approval by the DEPARTMENT, 100 percent of the total fee (excluding any fees paragraphs 1j and 1k of the ENGINEER AGREES), based on the above fee schedule and the awarded contract cost, less any previous payment.
 - c. Upon completion of the construction of the improvement, 90 percent of the fee due for services stipulated in paragraphs 1j and 1k.
 - d. Upon completion of all final reports required by the LA and the DEPARTMENT and acceptance of the improvement by the DEPARTMENT, 100 percent of the total fees due under this AGREEMENT, less any amounts previously paid.

By mutual agreement, partial payments, not to exceed 90 percent of the amount earned, may be made from time to time as the work progresses.

4. That should the improvements be abandoned at any time after the ENGINEER has performed any part of the services provided for in paragraphs 1a and 1g, and prior to the completion of such services the LA shall reimburse the ENGINEER for his actual costs plus 175 percent incurred up to the time he is notified in writing of such abandonment "actual cost" being defined as material costs plus actual payrolls, insurance, social security and retirement deductions. Traveling and other out-of-pocket expenses will be reimbursed to the ENGINEER at his actual cost.
5. That should the LA require changes in any of the detailed plans, specifications or estimates (except for those required pursuant to paragraph 4 of THE ENGINEER AGREES) after they have been approved by the DEPARTMENT, the LA will pay the ENGINEER for such changes on the basis of actual cost plus _____ percent to cover profit, overhead and readiness to serve - "actual cost" being defined as in paragraph 4 above. It is understood that "changes" as used in this paragraph shall in no way relieve the ENGINEER of his responsibility to prepare a complete and adequate set of plans.
6. That should the LA extend completion of the improvement beyond the time limit given in the contract, the LA will pay the ENGINEER, in addition to the fees provided herein, his actual cost incurred beyond such time limit - "actual cost" being defined as in paragraph 4 above.

It is Mutually Agreed,

1. That any difference between the ENGINEER and the LA concerning the interpretation of the provisions of this AGREEMENT shall be referred to a committee of disinterested parties consisting of one member appointed by the ENGINEER one member appointed by the LA and a third member appointed by the two other members for disposition and that the committee's decision shall be final.
2. This AGREEMENT may be terminated by the LA upon giving notice in writing to the ENGINEER at his last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LA all drawings, specifications, partial and completed estimates and data if any from traffic studies and soil survey and subsurface investigations with the understanding that all such material becomes the property of the LA. The ENGINEER shall be paid for any services completed and any services partially completed in accordance with Section 4 of THE LA AGREES.
3. That if the contract for construction has not been awarded one year after the acceptance of the plans by the LA and their approval by the DEPARTMENT, the LA will pay the ENGINEER the balance of the engineering fee due to make 100 percent of the total fees due under the AGREEMENT, based on the estimate of cost as prepared by the ENGINEER and approved by the LA and the DEPARTMENT.
4. That the ENGINEER warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the ENGINEER, to solicit or secure this contract and that he/she has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the ENGINEER, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty the LA shall have the right to annul this contract without liability.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed in quadruplicate counterparts, each of which shall be considered as an original by their duly authorized offices.

Executed by the LA:

Village of La Grange of the
(Municipality/Township/County)

ATTEST:

State of Illinois, acting by and through its

By _____

President and Board of Trustees

Village Clerk

By _____

(Seal)

Title: Village President

Executed by the ENGINEER:

Baxter & Woodman, Inc.

8840 West 192nd Street

ATTEST:

Mokena, IL 60448

By Barbara Toben

[Signature]

Title: Deputy Secretary

Title: Vice President

(Seal)

Approved

Date
Department of Transportation

Regional Engineer

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VILLAGE OF LA GRANGE, ILLINOIS
BURLINGTON AVENUE LAPP
RESURFACING PROJECT
SECTION NO.: 09-00083-00-RS

EXHIBIT A

PROJECT DESCRIPTION

Location:

The PROJECT is located in the Village of La Grange, Cook County, Illinois. The PROJECT is located on FAU Route 3782, Burlington Avenue, from Brainard Avenue to Kensington Avenue within the Village Central Business District.

Description:

The work included in this contract consists of hot-mix asphalt surface removal, hot-mix asphalt surface and binder course, hot-mix asphalt base patching, concrete curb and gutter replacement, sidewalk replacement, structure adjustment, thermoplastic pavement markings, and other incidental and miscellaneous items of work in accordance with the Standard Specification and Special Provisions.



VILLAGE OF LA GRANGE, ILLINOIS
BURLINGTON AVENUE LAPP
RESURFACING PROJECT
SECTION NO.: 09-00083-00-RS

EXHIBIT B

SCOPE OF SERVICES

CS100 – PROJECT INITIATION

- Attend preconstruction meeting and prepare minutes, and review the Contractor's proposed construction schedule and list of subcontractors.
- Prepare and review the Contract Documents of the awarded Contractor for approval by the LA and the DEPARTMENT.

CS105 – CONSTRUCTION ADMINISTRATION

- Prepare and review the Contractor's requests for payments as construction work progresses, and advise the LA of the amounts due and payable to the Contractor in accordance with the terms of the Construction Contract Documents.
- Prepare Construction Contract Change Orders within the scope of the PROJECT when authorized by the LA.
- Provide weekly updates on the construction progress to the LA. Assist the LA by providing information for written notification on the LA letterhead to the Owners in the Business District.

CS110 – FIELD OBSERVATION

- Provide a Resident Project Representative at the construction site on a full-time basis of ten (10) hours per day from the Engineer's office per regular weekday Monday thru Friday for twenty (20) working days, as deemed necessary by the ENGINEER, to stake-out construction lines and grades, to assist the Contractor with interpretation of the Drawings and Specifications, to observe in general if the Contractor's work is in conformity with the Final Design Documents, and to monitor the Contractor's progress as related to the Construction Contract date of completion. If the Contractor works in excess of 40 hours per week or on

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BAXTER

Saturdays, Sundays, or legal holidays, compensation will be at 1.5 times the normal rate. The Construction Contractor is a separate company from the ENGINEER. The LA understands and acknowledges that the ENGINEER is not responsible for the Contractor's construction means, methods, techniques, sequences or procedures, time of performance, compliance with the Laws and Regulations, or safety precautions and programs in connection with the PROJECT, and the ENGINEER does not guarantee the performance of the Contractor and is not responsible for the Contractor's failure to execute the work in accordance with the Construction Contract Documents.

- Provide the necessary baselines, benchmarks, and reference points to enable the Contractor to proceed with the work.
- Keep a daily record of the Contractor's work on those days that the ENGINEER is at the construction site including notations on the nature and cost of any extra work, and provide weekly reports to the LA of the construction progress and working days charged against the Contractor's time for completion.
- MATERIAL TESTING -- Provide the services of a materials testing company, as a subconsultant, to perform proportioning and testing of the Portland cement concrete and bituminous mixtures in accordance with the Department's Bureau of Materials manuals of instructions for proportioning. Review laboratory, shop and mill test reports of materials and equipment furnished by the Contractor. For this PROJECT the amount does not exceed \$3,500 which includes a 5% service charge.

CS130 -- COMPLETE PROJECT

- Provide construction inspection services when requested by the Contractor/LA and respond to material deficiency notices. Prepare the Engineer's Final Pay Estimate, the Request for Approval of Change in Plans, and the Final/Notice of Completion forms for acceptance of the PROJECT by the LA and the DEPARTMENT.

VILLAGE OF LA GRANGE
 BURLINGTON AVENUE LAPP
 RESURFACING PROJECT
 SECTION NO.: 09-00083-00-RS

EXHIBIT C

CONSTRUCTION ENGINEERING
 COST ESTIMATE OF CONSULTANT'S SERVICES IN DOLLARS

Route: Burlington Avenue LAPP
 Local Agency: Village of La Grange
 Section: 09-00083-00-RS
 Project:
 Job No.:

*Firm's approved rates on file with IDOT's
 Bureau of Accounting and Auditing:
 Overhead Rate 147%
 Complexity Factor 0
 Calendar Days 35
 Anticipated Service from 05/01/10 to 06/10/10

Method of Compensation:
 Cost Plus Fixed Fee 1 14.5%[DL + R(DL) + OH(DL) + IHDC]
 Cost Plus Fixed Fee 2 14.5%[DL + R(DL) + 1.4(DL) + IHDC]
 Cost Plus Fixed Fee 3 14.5%[(2.8 + R)DL] + IHDC
 Direct Labor Multiple
 Specific Rate
 Lump Sum

2009 Element of Work	Employee Classification	Man-Hours	Payroll Rate	Payroll Costs	Overhead*	In-House Direct Costs	Services by Others	Profit	Total
PROJECT INITIATION	SR. ENGR. IV	8	\$53.58	\$429.00	\$631.00	\$40.00		\$159.00	\$1,259.00
	CLERICAL	4	\$23.57	\$94.00	\$138.00			\$34.00	\$266.00
CONSTRUCTION ADMINISTRATION	PRINCIPAL	4	\$66.25	\$265.00	\$390.00	\$133.00		\$114.00	\$902.00
	SR. ENGR. IV	20	\$53.58	\$1,072.00	\$1,576.00			\$384.00	\$3,032.00
	FLD ENGR.	12	\$35.80	\$430.00	\$632.00			\$154.00	\$1,216.00
	CLERICAL	4	\$23.57	\$94.00	\$138.00			\$34.00	\$266.00
FIELD OBSERVATION & CONSTRUCTION STAKING	SR. ENGR. IV	12	\$53.58	\$643.00	\$945.00			\$230.00	\$1,818.00
	FLD ENGR.	200	\$35.80	\$7,160.00	\$10,525.00	\$800.00		\$2,680.00	\$21,165.00
COMPLETION OF PROJECT	SR. ENGR. IV	4	\$53.58	\$214.00	\$315.00			\$77.00	\$606.00
	FLD ENGR.	16	\$35.80	\$573.00	\$842.00			\$205.00	\$1,620.00
MATERIAL TESTING							\$3,500.00		\$3,500.00
TOTALS		284		\$10,974.00	\$16,132.00	\$973.00	\$3,500.00	\$4,071.00	\$35,650.00

CONSTRUCTION ENGINEERING TOTAL NOT TO EXCEED **\$35,650.00**

In-House Direct Costs:
 VEHICLE EXPENSES: TRAVEL - 1,696 MI @ CURRENT IRS RATE (\$0.55 FOR ESTIMATING PURPOSES) = \$933.00
 PRODUCTION, ADMINISTRATION, POSTAGE: \$40.00

Services by Others:
 MATERIAL TESTING: Seeco Consultants \$3,500.00

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ATTACHMENT A

TASK ORDER NO. 04

In accordance with Section 1.2 of the Master Contract dated April 14, 2009 between the Village of La Grange (the "Village") and Baxter & Woodman, Inc. (the "Consultant"), the Parties agree to the following Task Number 4:

1. Contracted Services:

Baxter & Woodman shall provide the Village with engineering services as described in the attached Preliminary / Construction Engineering Services Agreement For Motor Fuel Tax Funds for the Burlington Avenue Resurfacing project. The scope of services shall be as defined in the attached contract. All terms and conditions of the master task order contract dated April 14, 2009 with the Village of La Grange shall apply. In the event of a conflict between the master contract and the attached Preliminary / Construction Engineering Services Agreement For Motor Fuel Tax Funds, the Village's master contract will govern.

2. Project Schedule (attach schedule if appropriate):

Baxter & Woodman shall adhere to the schedule in the attached Preliminary / Construction Engineering Services Agreement For Motor Fuel Tax Funds.

3. Project Completion Date:

All Contracted Services must be completed on or before December 31, 2010.

4. Project Specific Pricing (if applicable):

Baxter & Woodman shall be compensated as per the attached Preliminary Engineering Services Agreement For Motor Fuel Tax Funds in an amount not to exceed \$35,650.

5. Additional Changes to the Master Contract (if applicable):

N/A

All other terms and conditions remain unchanged.

[signature page follows]

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VILLAGE

CONSULTANT

Signature

Signature

Director of Public Works

Name (Printed or Typed)

Date

Date

If greater than, \$2,000, the Village Manager's signature is required.

Signature

Village Manager

Date

If greater than \$10,000, the Village Board must approve the Task Order in advance and the Village President's signature is required.

Signature

Village President

Date

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**Illinois Department
of Transportation**

**Local Agency Agreement
for Federal Participation**

Local Agency Village of La Grange	State Contract X	Day Labor	Local Contract	RR Force Account
Section 09-00083-00-RS	Fund Type ARU	ITEP Number		

Construction		Engineering		Right-of-Way	
Job Number	Project Number	Job Number	Project Number	Job Number	Project Number
C-91-773-09	ARA-9003(386)				

This Agreement is made and entered into between the above local agency hereinafter referred to as the "LA" and the state of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LA jointly propose to improve the designated location as described below. The improvement shall be constructed in accordance with plans approved by the STATE and the STATE's policies and procedures approved and/or required by the Federal Highway Administration hereinafter referred to as "FHWA".

Location

Local Name Burlington Avenue Route FAU 3557 Length 0.278 Mile

Termini Brainard Avenue to Kensington Avenue

Current Jurisdiction LA Existing Structure No N/A

Project Description

Construction of pavement patching, concrete curb repair, sidewalk ADA upgrades and resurfacing.

Division of Cost

Type of Work	FHWA	%	STATE	%	LA	%	Total
Participating Construction	166,900	()	()	()	168,100	()	335,000
Non-Participating Construction	()	()	()	()	()	()	()
Preliminary Engineering	()	()	()	()	()	()	()
Construction Engineering	()	()	()	()	()	()	()
Right of Way	()	()	()	()	()	()	()
Railroads	()	()	()	()	()	()	()
Utilities	()	()	()	()	()	()	()
Materials	()	()	()	()	()	()	()
TOTAL	\$ 166,900		\$		\$ 168,100		\$ 335,000

*Maximum FHWA (ARU) Participation 100% not to exceed \$166,900.00

NOTE: The costs shown in the Division of Cost table are approximate and subject to change. The final LA share is dependent on the final Federal and State participation. The actual costs will be used in the final division of cost for billing and reimbursement.

If funding is not a percentage of the total, place an asterisk in the space provided for the percentage and explain above.

The Federal share of construction engineering may not exceed 15% of the Federal share of the final construction cost.

Local Agency Appropriation

By execution of this Agreement, the LA is indicating sufficient funds have been set aside to cover the local share of the project cost and additional funds will be appropriated, if required, to cover the LA's total cost.

Method of Financing (State Contract Work)

METHOD A---Lump Sum (80% of LA Obligation) _____

METHOD B--- _____ Monthly Payments of _____

METHOD C---LA's Share Balance divided by estimated total cost multiplied by actual progress payment.

(See page two for details of the above methods and the financing of Day Labor and Local Contracts)

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Agreement Provisions

THE LA AGREES:

- (1) To acquire in its name, or in the name of the state if on the state highway system, all right-of-way necessary for this project in accordance with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and established state policies and procedures. Prior to advertising for bids, the **LA** shall certify to the **STATE** that all requirements of Titles II and III of said Uniform Act have been satisfied. The disposition of encroachments, if any, will be cooperatively determined by representatives of the **LA**, and **STATE** and the **FHWA**, if required.
- (2) To provide for all utility adjustments, and to regulate the use of the right-of-way of this improvement by utilities, public and private, in accordance with the current Utility Accommodation Policy for Local Agency Highway and Street Systems.
- (3) To provide for surveys and the preparation of plans for the proposed improvement and engineering supervision during construction of the proposed improvement.
- (4) To retain jurisdiction of the completed improvement unless specified otherwise by addendum (addendum should be accompanied by a location map). If the improvement location is currently under road district jurisdiction, an addendum is required.
- (5) To maintain or cause to be maintained, in a manner satisfactory to the **STATE** and **FHWA**, the completed improvement, or that portion of the completed improvement within its jurisdiction as established by addendum referred to in item 4 above.
- (6) To comply with all applicable Executive Orders and Federal Highway Acts pursuant to the Equal Employment Opportunity and Nondiscrimination Regulations required by the U.S. Department of Transportation.
- (7) To maintain, for a minimum of 3 years after the completion of the contract, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General and the department; and the **LA** agrees to cooperate fully with any audit conducted by the Auditor General and the department; and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the **STATE** for the recovery of any funds paid by the **STATE** under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.
- (8) To provide if required, for the improvement of any railroad-highway grade crossing and rail crossing protection within the limits of the proposed improvement.
- (9) To comply with Federal requirements or possibly lose (partial or total) Federal participation as determined by the **FHWA**.
- (10) (State Contracts Only) That the method of payment designated on page one will be as follows:
 - Method A - Lump Sum Payment. Upon award of the contract for this improvement, the **LA** will pay to the **STATE**, in lump sum, an amount equal to 80% of the **LA**'s estimated obligation incurred under this Agreement, and will pay to the **STATE** the remainder of the **LA**'s obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based upon final costs.
 - Method B - Monthly Payments. Upon award of the contract for this improvement, the **LA** will pay to the **STATE**, a specified amount each month for an estimated period of months, or until 80% of the **LA**'s estimated obligation under the provisions of the Agreement has been paid, and will pay to the **STATE** the remainder of the **LA**'s obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based upon final costs.
 - Method C - Progress Payments. Upon receipt of the contractor's first and subsequent progressive bills for this improvement, the **LA** will pay to the **STATE**, an amount equal to the **LA**'s share of the construction cost divided by the estimated total cost, multiplied by the actual payment (appropriately adjusted for nonparticipating costs) made to the contractor until the entire obligation incurred under this Agreement has been paid.
- (11) (Day Labor or Local Contracts) To provide or cause to be provided all of the initial funding, equipment, labor, material and services necessary to construct the complete project.
- (12) (Preliminary Engineering) In the event that right-of-way acquisition for, or actual construction of the project for which this preliminary engineering is undertaken with Federal participation is not started by the close of the tenth fiscal year following the fiscal year in which this agreement is executed, the **LA** will repay the **STATE** any Federal funds received under the terms of this Agreement.
- (13) (Right-of-Way Acquisition) In the event that the actual construction of the project on this right-of-way is not undertaken by the close of the twentieth fiscal year following the fiscal year in which this Agreement is executed, the **LA** will repay the **STATE** any Federal Funds received under the terms of this Agreement.
- (14) (Railroad Related Work Only) The estimates and general layout plans for at-grade crossing improvements should be forwarded to the Rail Safety and Project Engineer, Room 204, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois, 62764. Approval of the estimates and general layout plans should be obtained prior to the commencement of railroad related work. All railroad related work is also subject to approval by the Illinois Commerce Commission (ICC). Final inspection for railroad related work should be coordinated through appropriate IDOT District Bureau of Local Roads and Streets office.

Plans and preemption times for signal related work that will be interconnected with traffic signals shall be submitted to the ICC for review and approval prior to the commencement of work. Signal related work involving interconnects with state maintained traffic signals should also be coordinated with the IDOT's District Bureau of Operations.

The **LA** is responsible for the payment of the railroad related expenses in accordance with the **LA**/railroad agreement prior to requesting reimbursement from IDOT. Requests for reimbursement should be sent to the appropriate IDOT District Bureau of Local Roads and Streets office.

Engineer's Payment Estimates in accordance with the Division of Cost on page one.

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- (15) And certifies to the best of its knowledge and belief its officials:
- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements receiving stolen property;
 - (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, local) with commission of any of the offenses enumerated in item (b) of this certification; and
 - (d) have not within a three-year period preceding the Agreement had one or more public transactions (Federal, State, local) terminated for cause or default.
- (16) To include the certifications, listed in item 15 above and all other certifications required by State statutes, in every contract, including procurement of materials and leases of equipment.
- (17) (State Contracts) That execution of this agreement constitutes the **LA's** concurrence in the award of the construction contract to the responsible low bidder as determined by the **STATE**.
- (18) That for agreements exceeding \$100,000 in federal funds, execution of this Agreement constitutes the **LA's** certification that:
- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement;
 - (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress, in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions;
 - (c) The **LA** shall require that the language of this certification be included in the award documents for all subawards at all ties (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- (19) To regulate parking and traffic in accordance with the approved project report.
- (20) To regulate encroachments on public right-of-way in accordance with current Illinois Compiled Statutes.
- (21) To regulate the discharge of sanitary sewage into any storm water drainage system constructed with this improvement in accordance with current Illinois Compiled Statutes.
- (22) That the **LA** may invoice the **STATE** monthly for the **FHWA** and/or **STATE** share of the costs incurred for this phase of the improvement. The **LA** will submit supporting documentation with each request for reimbursement from the **STATE**. Supporting documentation is defined as verification of payment, certified time sheets, vendor invoices, vendor receipts, and other documentation supporting the requested reimbursement amount.
- (23) To complete this phase of the project within three years from the date this agreement is approved by the **STATE** if this portion of the project described in the Project Description does not exceed \$1,000,000 (five years if the project costs exceed \$1,000,000).
- (24) Upon completion of this phase of the improvement, the **LA** will submit to the **STATE** a complete and detailed final invoice with all applicable supporting supporting documentation of all incurred costs, less previous payments, no later than one year from the date of completion of this phase of the improvement. If a final invoice is not received within one year of completion of this phase of the improvement, the most recent invoice may be considered the final invoice and the obligation of the funds closed.
- (25) (Single Audit Requirements) That if the **LA** receives \$500,000 or more a year in federal financial assistance they shall have an audit made in accordance with the Office of Management and Budget (OMB) Circular No. A-133. **LA's** that receive less than \$500,000 a year shall be exempt from compliance. A copy of the audit report must be submitted to the **STATE** with 30 days after the completion of the audit, but no later than one year after the end of the **LA's** fiscal year. The CFDA number for all highway planning and construction activities is 20.205.

THE STATE AGREES:

- (1) To provide such guidance, assistance and supervision and to monitor and perform audits to the extent necessary to assure validity of the **LA's** certification of compliance with Titles II and III requirements.
- (2) (State Contracts) To receive bids for the construction of the proposed improvement when the plans have been approved by the **STATE** (and **FHWA**, if required) and to award a contract for construction of the proposed improvement, after receipt of a satisfactory bid.
- (3) (Day Labor) To authorize the **LA** to proceed with the construction of the improvement when Agreed Unit Prices are approved and to reimburse the **LA** for that portion of the cost payable from Federal and/or State funds based on the Agreed Unit Prices and Engineer's Payment Estimates in accordance with the Division of Cost on page one.
- (4) (Local Contracts) That for agreements with Federal and/or State funds in engineering, right-of-way, utility work and/or construction work:

4-2.16

- (a) To reimburse the **LA** for the Federal and/or State share on the basis of periodic billings, provided said billings contain sufficient cost information and show evidence of payment by the **LA**;
- (b) To provide independent assurance sampling, to furnish off-site material inspection and testing at sources normally visited by **STATE** inspectors of steel, cement, aggregate, structural steel and other materials customarily tested by the **STATE**.

IT IS MUTUALLY AGREED:

- (1) That this Agreement and the covenants contained herein shall become null and void in the event that the **FHWA** does not approve the proposed improvement for Federal-aid participation or the contract covering the construction work contemplated herein is not awarded within three years of the date of execution of this Agreement.
- (2) This Agreement shall be binding upon the parties, their successors and assigns.
- (3) For contracts awarded by the **LA**, the **LA** shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any USDOT – assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The **LA** shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT – assisted contracts. The **LA's** DBE program, as required by 49 CFR part 26 and as approved by USDOT, is incorporated by reference in this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31U.S.C. 3801 et seq.). In the absence of a USDOT – approved **LA** DBE Program or on State awarded contracts, this Agreement shall be administered under the provisions of the **STATE's** USDOT approved Disadvantaged Business Enterprise Program.
- (4) In cases where the **STATE** is reimbursing the **LA**, obligations of the **STATE** shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or applicable Federal Funding source fails to appropriate or otherwise make available funds for the work contemplated herein.
- (5) All projects for the construction of fixed works which are financed in whole or in part with funds provided by this Agreement and/or amendment shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 et seq.) unless the provisions of that Act exempt its application.

ADDENDA

Additional information and/or stipulations are hereby attached and identified below as being a part of this Agreement.

Number 1 Location Map

(Insert addendum numbers and titles as applicable)

The **LA** further agrees, as a condition of payment, that it accepts and will comply with the applicable provisions set forth in this Agreement and all addenda indicated above.

APPROVED

Name Elizabeth Asperger
 Title Village President
County Board Chairperson/Mayor/Village President/etc.

Signature _____

Date _____

TIN Number 36-6005955

APPROVED

State of Illinois
 Department of Transportation

Gary Hannig, Secretary of Transportation Date

By: _____
(Delegate's Signature)

(Delegate's Name – Printed)

Christine M. Reed, Director of Highways/Chief Engineer Date

Ellen J. Schanzle-Haskins, Chief Counsel Date

Ann L. Schneider, Director of Finance and Administration Date

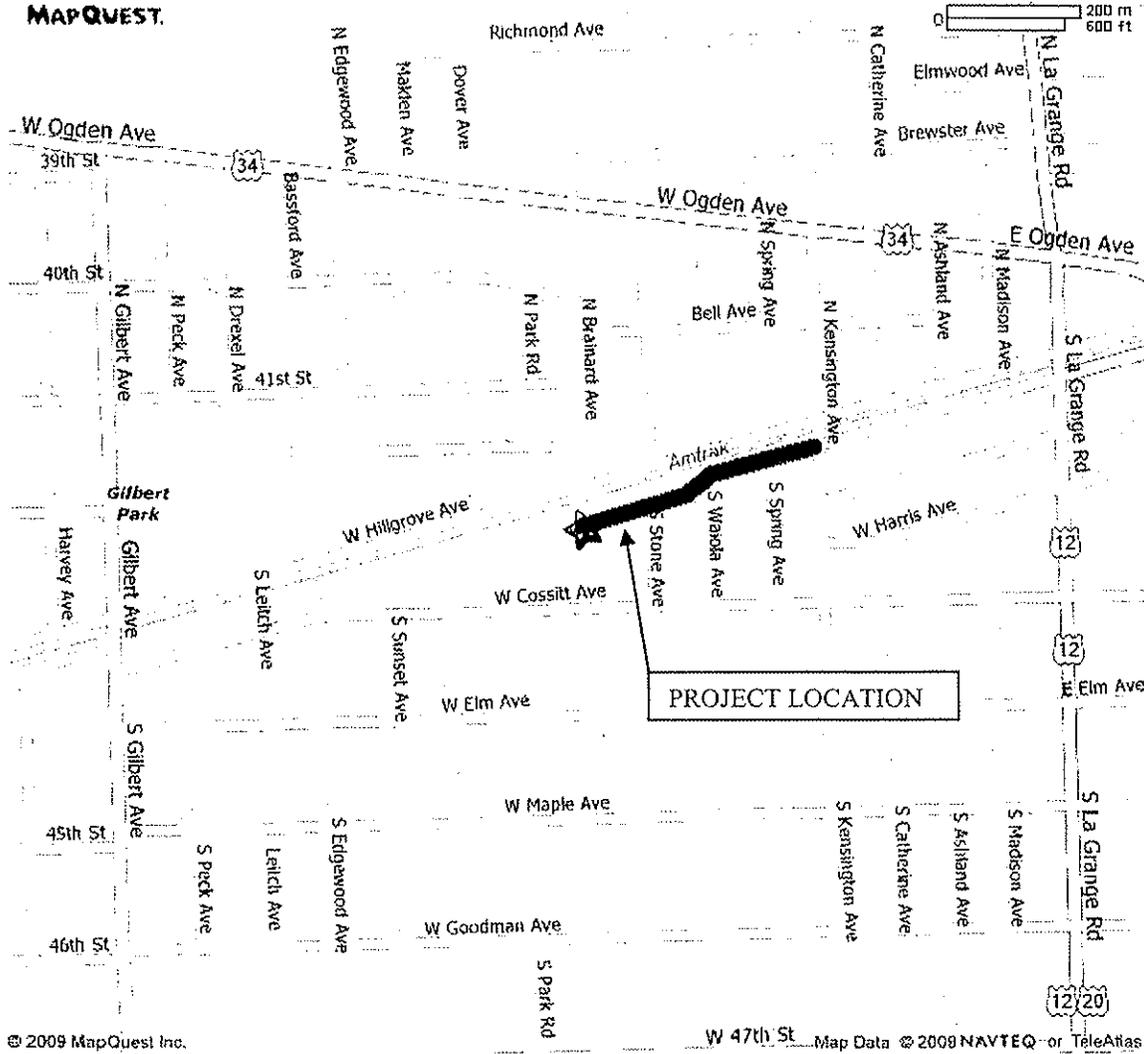
NOTE: If signature is by an APPOINTED official, a resolution authorizing said appointed official to execute this agreement is required.

4-C-17

LOCATION MAP

NORTH ↑

MAPQUEST.



VILLAGE OF LA GRANGE, COOK COUNTY, ILLINOIS

FAU 3557 - BURLINGTON AVENUE
BRAINARD AVENUE TO KENSINGTON AVENUE

Section Number: 09-00083-00-RS
 Project Number: ARA-9003(386)
 Job Number: C-91-773-09

4-1-18



Illinois Department of Transportation

Resolution for Improvement by Municipality Under the Illinois Highway Code

BE IT RESOLVED, by the President and Board of Trustees of the Council or President and Board of Trustees Village of La Grange Illinois that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
See Attached Exhibit A			

BE IT FURTHER RESOLVED,
1. That the proposed improvement shall consist of This Project consists of construction and construction engineering for resurfacing of Burlington between Brainard Avenue and Kensington Avenue. The work includes HMA resurfacing, base patching, curb and gutter repairs, sidewalk repairs, drainage structure adjustments, and parkway restoration.

Varies and shall be constructed Varies wide and be designated as Section 09-00083-00-RS

2. That there is hereby appropriated the (additional Yes No) sum of Two Hundred Three Thousand Seven Hundred Fifty Dollars (\$203,750.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract ; and, Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved _____

Date _____

Department of Transportation

Regional Engineer _____

I, Robert Milne Clerk in and for the Village of La Grange City, Town or Village County of Cook, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the President and Board of Trustees Council or President and Board of Trustees at a meeting on _____ Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of _____

(SEAL)

City, Town, or Village Clerk

4-C.19

VILLAGE OF LA GRANGE, ILLINOIS
BURLINGTON AVENUE LAPP
RESURFACING PROJECT
SECTION NO.: 09-00083-00-RS

EXHIBIT A

PROJECT DESCRIPTION

Location:

The PROJECT is located in the Village of La Grange, Cook County, Illinois. The PROJECT is located on FAU Route 3782, Burlington Avenue, from Brainard Avenue to Kensington Avenue within the Village Central Business District.

Description:

The work included in this contract consists of hot-mix asphalt surface removal, hot-mix asphalt surface and binder course, hot-mix asphalt base patching, concrete curb and gutter replacement, sidewalk replacement, structure adjustment, thermoplastic pavement markings, and other incidental and miscellaneous items of work in accordance with the Standard Specification and Special Provisions.

4-C.20
E A S T E R
V I C C I N I

VILLAGE OF LA GRANGE
Department of Public Works

BOARD REPORT

TO: Village President, Village Clerk, Board of Trustees, and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manger
Ryan Gillingham, Director of Public Works

DATE: November 9, 2009

RE: **EQUIPMENT PURCHASE – PUBLIC WORKS DEPARTMENT /
HOT PATCH ASPHALT TRAILER**

The FY 2009-10 Village budget provides for the purchase of a 2-ton hot patch asphalt trailer in the amount of \$13,000. This piece of equipment is mainly used during the winter months for asphalt patching operations. The asphalt patching material is loaded into a hopper that is heated in order keep the material at a temperature that maintains the pliability of the asphalt and facilitates its placement during winter patching operations.

The existing hot patch asphalt trailer was purchased in 1985 and is in need of replacement. The heat box has deteriorated to a point where it is difficult to keep the burner lit. The doors and hinges are no longer operational and the material hopper is rusting, which is leading to holes in the metal.

In determining the specific piece of equipment that would be the most appropriate for the Village's needs, Public Works researched available equipment and had several manufacturers bring their equipment on site for assessment. The criteria used for evaluating these machines included type of fuel system, size of hopper, available fuel capacity, heating element design and controls. Based on this analysis, two equipment manufacturers were identified as having an asphalt trailer that met the needs of the department, Spaulding and Falcon. Notably, the fuel source for a new hot patch trailer would be diesel fuel rather than liquid propane. We believe that the new trailer with a diesel fuel source will be safer since we would no longer have to transport liquid propane tanks to and from the trailer.

4-D

Equipment Purchase – Public Works Department
Hot Patch Asphalt Trailer
November 9, 2009 – Page 2

We solicited quotes from area suppliers for the hot patch asphalt trailer that met our criteria with the following results:

No.	COMPANY	MANUFACTURER	NEW HOT PATCH ASHPALT TRAILER	TRADE-IN VALUE OF EXISTING TRAILER	CONTRACT PRICE
1	Bonnel Industries, Inc., Dixon, IL	Spaulding	\$12,850	\$500.00	\$12,350
2	Sherwin Industries, Inc., Milwaukee, WI	Falcon	\$12,500	\$0.00	\$12,500
3	Falcon, Midland, MI	Falcon	\$13,082	\$0.00	\$13,082
4	McGrath Municipal Equipment, Springfield, NJ	Falcon	\$14,500	\$0.00	\$14,500
FY 2009-10 Public Works Department / New Equipment line item					\$13,000

Bonnel Industries was the only supplier to offer a trade-in value for the existing piece of equipment, which is noted in the above table. If approved, delivery of the machine would occur in November 2009, prior to the winter season.

We recommend that the Village Board waive the formal competitive bidding process and authorize the purchase of the hot patch asphalt trailer from Bonnel Industries in the amount of \$12,350.

4-D.1

VILLAGE OF LA GRANGE
Department of Public Works

BOARD REPORT

TO: Village President, Village Clerk
Board of Trustees, and Village Attorney

FROM: Robert Pilipiszyn, Village Manager
Ryan Gillingham, Director of Public Works

DATE: November 9, 2009

RE: **AWARD OF CONTRACT – INSTALLATION OF HOLIDAY
LIGHTS**

Each year the Public Works Department decorates trees and light poles throughout the Central Business District (CBD) for the holiday season. Typically, lights within the trees are strung in early November and are removed in mid-January. Over 6,200 strands of lights are typically put up throughout the CBD by the Public Works Department.

The month of November is a very busy month for Public Works due to concurrent work activities, including leaf pick-up, brush pick-up, street patching, holiday decorations, stump removal, tree planting, etc. Coupled with these activities, several Public Works employees are on light duty and one employee is on medical leave which has caused a strain on available manpower for the department.

Over the last several years, the Public Works Department has solicited proposals from companies to install holiday lighting in the downtown area. The purpose of soliciting proposals was to evaluate the cost effectiveness of having Public Works crews perform this service, as well as to evaluate different light installation techniques and their respective costs. Depending on the quantity, type and installation pattern of the lights, proposals have been as much as \$128,000 to install lights throughout the downtown. Based on a preliminary evaluation of these figures, we initially decided to continue to move forward with having all of the holiday decorations installed by Public Works staff.

Given the economic downturn, the cost of installing these holiday lights has decreased. Coupled with the strain on available manpower, we solicited quotes from two contractors known to be capable of installing lights on trees on La Grange Road with the following results:

4-E

CONTRACTOR / LOCATION	Cost
Illuminight Lighting, LLC, Highland Park, IL	\$14,450
Holiday Concepts of Illinois, Inc., Romeoville, IL	\$17,500

Illuminight Lighting, LLC provided the low quote in the amount of \$14,450 to install lights on 52 trees along La Grange Road. The proposal includes all equipment and labor to install an X-type pattern on the trees so that the branches are covered with lights. The lights would be provided by the Village since they have already been purchased for this season.

Illuminight Lighting, LLC performs similar work for other municipalities and organizations including Highland Park, Lake Forest, Glenview, and the Lincoln Park Zoo. Reference checks regarding this company's performance have all been positive. Additionally we requested that Illuminight decorate one tree along La Grange Road as an example of the contractor's ability. This tree has been decorated and is located south of Village Hall next to the fountain plaza.

While the cost of installing lights by an outside contractor was not budgeted, this expense could be offset by the cost savings in full time salaries in the Public Works Department that are not being incurred due to the unpaid medical disability. We estimate the costs savings in salary and lighting installation expense to be approximately the same. Based on the current staffing levels and concurrent work activities in the Public Works Department, we recommend having a portion of the holiday lights installed by an outside contractor. This contract would be on a one year trial basis, which would allow us to evaluate the costs and installation techniques of the contractor.

The costs for this work would be charged to the Building & Grounds, CBD Maintenance account. Should costs exceed available funding for the Building & Grounds Department, a budget amendment would be prepared at year end allocating the cost savings and additional expenditures between the Public Works and Building and Grounds Departments.

We recommend that the Village Board waive the formal bidding process and authorize staff to enter into a contract with Illuminight Lighting, LLC for the installation of holiday lights on La Grange Road in the amount of \$14,450.

4-E.1

MINUTES

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING
Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

Monday, October 26, 2009 - 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

The Board of Trustees of the Village of La Grange regular meeting was called to order at 7:30 p.m. by President Asperger. On roll call, as read by Village Manager Robert Pilipiszyn, the following were present:

PRESENT: Trustees Holder, Horvath, Langan, Livingston, Kuchler, and Palermo

ABSENT: Village Clerk Robert Milne

OTHERS: Village Manager Robert Pilipiszyn
Assistant Village Manager Andrianna Peterson
Village Attorney Mark Burkland
Finance Director Lou Cipparrone
Assistant Community Development Director Angela Mesaros
Public Works Director Ryan Gillingham
Fire Chief David Fleege
Police Chief Mike Holub

2. PRESIDENT'S REPORT

A. Appointment to West Suburban Mass transit District

President Asperger noted that a vacancy has occurred to serve on the West Suburban Mass Transit District. To fill the vacancy President Asperger requested approval to appoint Curtis Linder to the position of Trustee to the West Suburban Mass Transit District. Trustee Langan moved to approve the appointment, seconded by Trustee Holder. The motion was approved by voice vote.

President Asperger expressed condolences to the family of Lee Burkey Sr. at his recent passing. Mr. Burkey was very active in the community and served as Village Trustee, Village President and Village Attorney. Out of respect the Village Hall flag was flown at half staff and the purple bunting was displayed.

4-8

President Asperger gave a brief description of two items on the omnibus agenda. The ordinance to amend the Village Code regarding line of sight requirements and the new Bring-Your-Own Class H liquor license were summarized.

President Asperger encouraged residents to visit newly opened restaurants; Nicksons Eatery on La Grange Road and Kama on Burlington Avenue.

President Asperger reminded residents about the La Grange Business Association's annual Halloween Walk at 10:30 a.m. and advised that recommended trick or treat hours are 3 p.m. to 7p.m.

Lastly, President Asperger reported that the Plan Commission will meet on November 12 to continue their review and discussion of permitted uses and special uses in commercial zoning districts.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

None

4. OMNIBUS AGENDA AND VOTE

- A. Ordinance (#O-09-31) – Amending Section 135.01 of the La Grange Code of Ordinances to Prohibit Video Gaming
- B. Ordinance (#O-09-32) – Creating an Additional Class H Liquor License – Knead Marketplace, Inc., 13 S. La Grange Road
- C. Award of Construction Contract – Enhanced Pedestrian Crossing – 47th Street and 9th Avenue (Meade Electric, Mc Cook, IL - \$28,060)
- D. Ordinance (#O-09-33) Amendment to the Village Code Regarding Intersection Sight Distance Requirements
- E. Ordinance (#O-09-34) Change in Parking Restrictions / Burlington Avenue Between Waiola Avenue and Ashland Avenue
- F. Purchase – Replacement and Upgrade of Fire Department Base Radio and Receivers (Miner Electronics, Joliet, IL - \$23,782.42)
- G. Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, September 28, 2009
- H. Consolidated Voucher 091012 – (\$856,258.68)
- I. Consolidated Voucher 091026 – (\$479,561.83)

4-F.1

It was moved by Trustee Langan to approve items A, B, C, D, E, F, G H and I of the Omnibus Agenda, seconded by Trustee Horvath.

Trustee Horvath asked staff to describe details of the proposed enhancements to pedestrian crossings and inquired if the improvements have been approved by the Illinois Department of Transportation (IDOT).

Public Works Director Ryan Gillingham identified the design elements and responded that pedestrian crossing enhancements at 47th Street and 9th Avenue have been approved by IDOT. Mr. Gillingham noted that the Village would seek IDOT approval for future crosswalk enhancements at other locations.

Trustee Horvath also inquired about sight distance requirements asking if there will be systematic review of intersections or if residents are to report concerns about an intersection. Mr. Gillingham responded that both are applicable and the Department of Public Works responds on a case by case basis.

Trustee Palermo expressed his favor in the approval for a BYO liquor license to be issued to Knead Marketplace, Inc.

Approved by roll call vote.

Ayes:	Trustees Holder, Horvath, Kuchler, Langan, Livingston, and Palermo
Nays:	None
Absent:	None

5. CURRENT BUSINESS

None

6. MANAGER'S REPORT

None

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

None

8. EXECUTIVE SESSION

9. TRUSTEE COMMENTS

4-F.2

President Asperger noted that immediately following the regular Village Board meeting, there would be a pause in broadcasting to set up for a Pension Fund Workshop.

Trustee Holder asked that Fire Chief Fleege present and explain the availability of the Lock Box Program offered to residents. Chief Fleege demonstrated a sample lock box and explained that a key to the home is locked inside the box which the La Grange Fire Department has access to. In case of an emergency the Fire Department would be able to access the home without using forced entry.

10. ADJOURNMENT

At 7:55 p.m. it was moved by Trustee Langan to adjourn, seconded by Trustee Horvath. Motion carried by voice vote.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

Approved Date

4-f.3

MINUTES

VILLAGE OF LA GRANGE SPECIAL MEETING OF THE VILLAGE BOARD OF TRUSTEES

Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

Monday, October 26, 2009
(immediately following the regular Village Board meeting)

1. CALL TO ORDER AND ROLL CALL

The Board of Trustees of the Village of La Grange special meeting was called to order at 8:05 p.m. by President Asperger. On roll call the following were present:

PRESENT: Trustees Holder, Horvath, Kuchler, Langan, Livingston, and Palermo

ABSENT: Village Clerk Milne

OTHERS: Village Manager Robert Pilipiszyn
Assistant Village Manager Andrianna Peterson
Village Attorney Mark Burkland
Finance Director Lou Cipparrone
Public Works Director Ryan Gillingham
Police Chief Mike Holub
Fire Chief David Fleege.

2. PENSION FUND WORKSHOP

President Asperger explained that the Village Board has expressed concerns relative to the funding status of the Police and Fire Pension Funds. In order to provide a comprehensive understanding related to state pension requirements; pension fund portfolio performance; financial conditions of the pension funds; and impact on the Village's preliminary property tax levy, this workshop has evolved.

President Asperger noted that the workshop would be divided into two sessions with the second portion being held on November 9 after the regular Village Board meeting. President Asperger requested Village Manager Robert Pilipiszyn to introduce the panel of guest speakers.

Mr. Pilipiszyn introduced Joe Mc Coy, Senior Legislative Advocate from the Illinois Municipal League; Mr. Dick Barrett, Managing Director of Investments from Wells

Fargo Securities; Mr. Fred Lantz, Partner and Director of Government Services and Dan Berg, Partner from Sikich LLP and invited them to comment on the pension funds.

Mr. Mc Coy described in detail the various issues and decisions made at the State level which impact the ability of municipalities to fund their police and fire pension contributions. Mr. Mc Coy also noted how negative investment returns over the past ten years have added to funding issues. Mr. Mc Coy reviewed recent pension reform proposals and their legislative status. In summary, legislative relief from the General Assembly is necessary to address the funding status of police and fire pension funds.

Considerable discussion between the Village Board and the presenters ensued.

Trustee Palermo asked how a constitutional amendment to cut pension benefits would be implemented and Mr. Mc Coy responded that only new hires would likely be affected, resulting in a two-tiered system of pensioners.

Trustee Horvath asked if there is a solution, not being confident that the situation would resolve itself. Mr. Mc Coy agreed, stating that it will not be solved until structural problems with the pension systems are addressed. Mr. Lantz noted that the Village has been much more disciplined than the State when it comes to funding its pension obligations. As long as the Village funds its annual required contribution, its pension funds will be fully funded by 2033. Mr. Lantz also explained how generally accepted accounting principles apply to municipal pension funds.

Trustee Palermo inquired why the Illinois Municipal Fund Retirement (IMRF) is so well funded as compared to municipal pension funds. Mr. Mc Coy explained that IMRF is structured much differently; in brief, IMRF enjoys economies of scale, employer contributions are subject to garnishment if not paid, and the size of the fund creates the opportunity to participate in different investment vehicles. Messers Cipparrone and Lantz further explained that IMRF uses a rolling 30 year period which softens the impact of investment losses and that IMRF is a multi-agent fund meaning that each member community will have individualized levels of contributions. IMRF is very unique and a direct comparison cannot be drawn between IMRF and municipal pension funds.

Mr. Barrett indicated that he has advised the Village's police and fire pension funds for over 20 years, and during this period, the pension boards have been responsible and disciplined investors.

Trustee Horvath asked the panel for their opinion as to factors which have had the most impact on municipal pension funds. Messers Lantz and Berg felt that benefit increases granted by the State over time have impacted municipal pension funds the most. Mr. Mc Coy identified unfunded State mandates and tax caps. Mr. Barrett indicated that as long as the markets come back, he is not concerned about investment

4-G.1

losses either in the short term or long term; equities have shown to be the best protection against inflation.

Mr. Lantz commended the Village for its diligence in funding its pension obligations. He added that the Village's actuarial assumptions were generally reasonable. In his opinion, the State's closed loop amortization period is what is strangling pension funds.

Trustee Kuchler inquired as to the consequences if the Village did not make the minimal annual required contribution. Mr. Lantz responded that from an accounting perspective the entry would be noted in the audit.

Trustee Palermo asked if the Village should require an experience study every five years. Mr. Lantz stated that such a study is performed with each full actuarial analysis. Trustee Palermo questioned the current maximum retirement age assumption. Mr. Cipparrone responded that the proposed adjustment from 70 years of age to 62 years of age would not improve funding status, and would have a significant cost impact to the Village by approximately an additional \$75,000 per year.

Trustee Livingston expressed appreciation to the guest speakers for the information provided and asked if the Village should be aware of other external factors going into its budget development process. Mr. Mc Coy suggested that the Village should pay close attention to the legislative session next Spring when the State is expected to complete the balancing of its budget.

President Asperger thanked the panel for sharing their expertise and insights with the Village Board and stated that the next meeting on November 9 will include actuarial information.

3. ADJOURNMENT

At 9:40 p.m. it was moved by Trustee Palermo to adjourn, seconded by Trustee Livingston. Motion approved by voice vote.

Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

Approved Date

4-6-2

VILLAGE OF LA GRANGE

Disbursement Approval by Fund

November 9, 2009

Consolidated Voucher 091109

<u>Fund No.</u>	<u>Fund Name</u>	<u>11/09/09 Voucher</u>	<u>10/30/09 Payroll</u>	<u>Total</u>
01	General	120,422.73	249,627.10	370,049.83
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax	21.00		21.00
23	TIF			0.00
24	ETSB	5,262.43		5,262.43
40	Capital Projects	36,100.18		36,100.18
50	Water	15,217.27	31,873.97	47,091.24
51	Parking	3,660.20	22,081.93	25,742.13
60	Equipment Replacement			0.00
70	Police Pension	2,835.00		2,835.00
75	Firefighters' Pension	2,100.00		2,100.00
80	Sewer	3,312.89	8,734.05	12,046.94
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>188,931.70</u>	<u>312,317.05</u>	<u>501,248.75</u>

We the undersigned Manager and Clerk of the Village of La Grange hereby certify that, to the best of our knowledge and belief, the foregoing items are true and proper charges against the Village and hereby approve their payment.

Village Manager

Village Clerk

President

Trustee

Trustee

Trustee

Trustee

Trustee

Trustee

4-14

CURRENT BUSINESS

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

TO: Village President, Village Clerk
Board of Trustees and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Patrick D. Benjamin, Community Development Director
Angela M. Mesaros, Assistant Director, Community Development

DATE: November 9, 2009

RE: **ORDINANCE - VARIATION - MAXIMUM BUILDING COVERAGE AND
MAXIMUM LOT COVERAGE/ KEVIN AND JEANNETTE BARNICLE, 20
N. CATHERINE AVENUE**

Kevin and Jeannette Barnicle, owners of the property at 20 N. Catherine Avenue, have applied for variations from maximum building coverage and lot coverage to replace two storage sheds constructed by previous owners without a building permit in the rear northwest corner of their property with a new two-car detached garage in the same location. The subject property is located in the R-5 Single Family Residential District. The property in question is 50-feet wide with a depth of 125 feet.

Maximum Building Coverage for this property is 35% (2,187.50 square feet). The residence with the existing sheds is currently at the maximum allowable building coverage for this lot. Original to the structure is a large, open front porch, which limits the available building space. A large addition, constructed in 2003 by previous owners, also contributes to the allowable building coverage. Construction of the proposed garage would increase building coverage to 2,307.78 sq. ft. or 37% exceeding the Maximum Building Coverage by 9.6%. The Zoning Code allows a variation to increase building coverage by no more than 20%. The requested variation falls within the authorized limits of the Zoning Code.

In addition, as you may recall, the Village created a new standard for maximum lot coverage in August 2007 limiting the amount of impervious area permitted on lots in the single family districts. Maximum allowable lot coverage of 45% with allowances for detached garage, driveway and front porch is 3,642.50 square feet. The proposed two-car garage would increase lot coverage to 3,772.50 square ft., which exceeds the Maximum Lot Coverage set forth in Subsection 3-110F by 130 square ft. or 3.6%. Subparagraph 14-303E1(c) (Authorized Variations) allows the increase of the allowable lot coverage by no more than 20%. The requested variation falls within the authorized limits of the Zoning Code.

On October 15, 2009, the Zoning Board of Appeals held a public hearing on this matter (see Findings of Fact). At the public hearing, the petitioners presented the application. The motion to recommend that the variation be granted with the added condition that the existing front porch remain open passed: six (6) ayes to one (1) nay.

Commissioners voting in favor of this application felt that several factors made this property unique, including the following:

- The driveway does not extend the entire length of the lot;
- A school is located directly across the street, further limiting daytime on-street parking;
- The subject property is directly adjacent to a commercial district;
- Two large storage sheds are located in the rear yard of the lot; and
- A large front porch contributes to the amount of useable building coverage.

The one Zoning member who recommended denial of this petition stated that technically this situation is self-created since the previous owner constructed a large addition onto the house, making it impossible to build a normal two-car garage within the Code requirements. This Commissioner felt that the property has too much impervious surface and too much house. Potential alternate solutions include construction of a smaller garage and demolition of a portion of the house.

Staff has prepared the attached ordinance authorizing the variations for your consideration.

5-A.1

VILLAGE OF LA GRANGE

ORDINANCE NO. O-09-_____

AN ORDINANCE GRANTING ZONING VARIATION
FOR CONSTRUCTION OF A DETACHED GARAGE
AT 20 N. CATHERINE AVENUE

WHEREAS, Kevin and Jeannette Barnicle, are the owners (the "Owner") of the property commonly known as 20 N. Catherine Avenue, La Grange, Illinois, and legally described as follows:

Lot 5 in Block 18 in Cossitt's First Addition to La Grange, being a Subdivision of that part of the Northwest $\frac{1}{4}$ of Section 4, Township 38 North, Range 12 East of the Third Principal Meridian, lying north of the Chicago, Burlington and Quincy Railroad, and south of Naperville Road (Ogden Avenue) in Cook County, Illinois.

(the "Subject Property"); and

WHEREAS, the Owner has applied for variation from the maximum building coverage of Paragraph 3-110-E1 and maximum lot coverage of Subsection 3-110-F of the La Grange Zoning Code in order to construct a detached garage on the Subject Property; and

WHEREAS, the La Grange Zoning Board of Appeals conducted a public hearing to consider the application on October 15, 2009, pursuant to proper public notice; and

WHEREAS, the President and Board of Trustees have reviewed the record of the public hearing and the Findings and Recommendation of the Zoning Board of Appeals and have determined that the application satisfies the standards set forth in the La Grange Zoning Code for the grant of a variation;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of La Grange, Cook County and State of Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. Grant of Variation from Maximum Building Coverage. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and the La Grange Zoning Code, hereby grants to the Owner a variation from the maximum building coverage standard of Paragraph 3-110-E1 of the La Grange Zoning Code to increase the maximum building coverage required on the Subject Property by 9.6% for a detached garage.

Section 3. Grant of Variation from Maximum Lot Coverage. The Board of Trustees, pursuant to the authority granted to it by the laws of the State of Illinois and the

5-A.2

La Grange Zoning Code, hereby grants to the Owner a variation from the maximum lot coverage standard of Subsection 3-110-F of the La Grange Zoning Code to increase the maximum lot coverage required on the Subject Property by 3.6% for a detached garage.

Section 4. Conditions on Approvals. The approvals of the variations are granted expressly subject to all the following conditions:

- A. The variation is granted only to authorize construction of a 22 feet deep by 20 feet wide detached garage in substantial conformity with the site plan attached to this Ordinance as Exhibit A.
- B. If the garage is constructed in violation of any term or condition of this Ordinance, then the Village may order the garage to be demolished and may rescind the approval granted by this Ordinance.
- C. The owners of the property engage in a covenant with the Village that the front porch never be enclosed.

Section 5. Effective Date. This Ordinance will be in full force and effect from and after (a) its passage, approval, and publication in pamphlet form as provided by law, (b) execution by the Owner, and (c) approval by the Village's Director of Community Development of conforming plans for the garage as required by Subsection 2A of this Ordinance.

PASSED this ____ day of _____ 2009, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____ 2009.

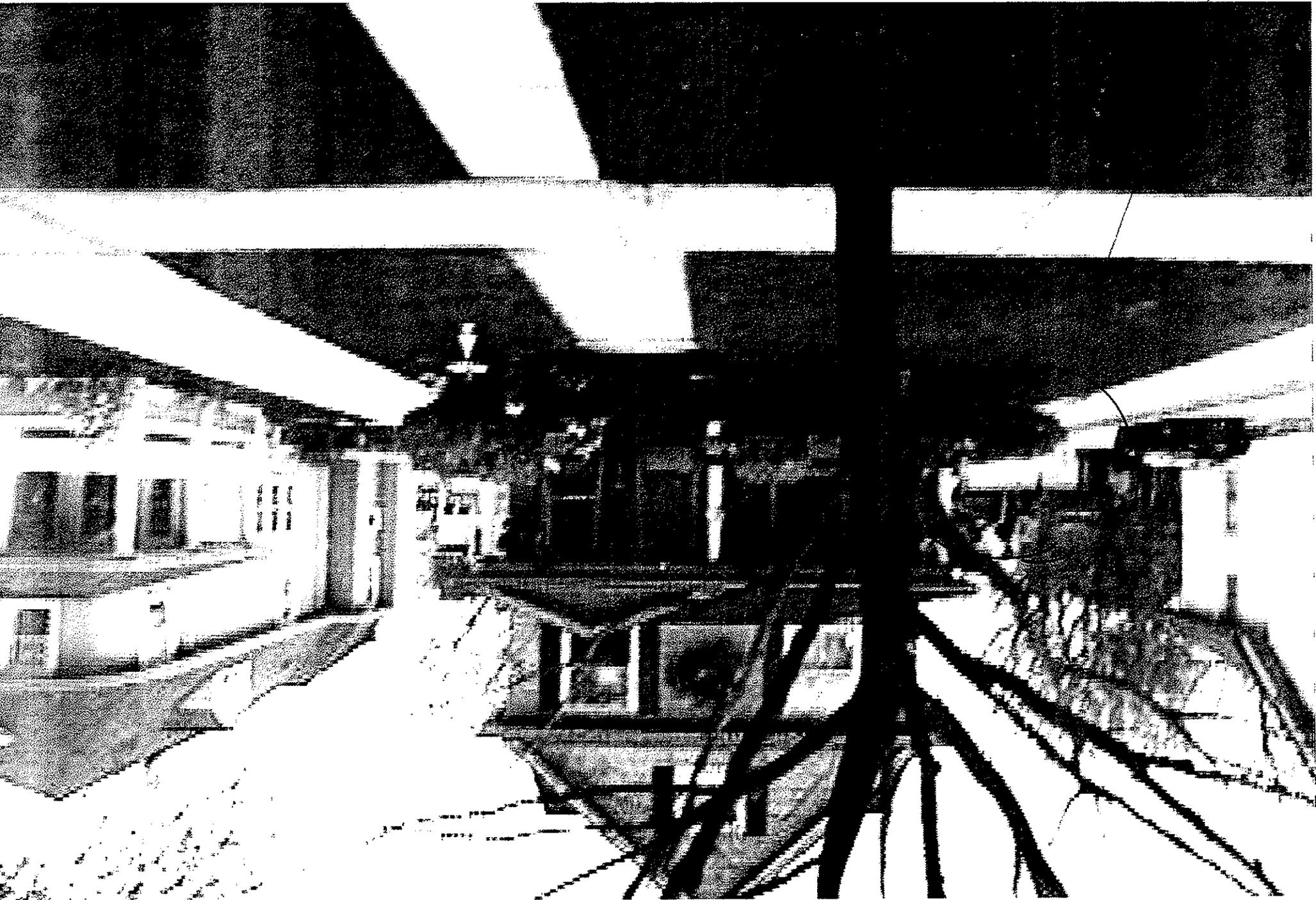
Elizabeth M. Asperger, Village President

ATTEST:

Robert N. Milne, Village Clerk

5-14-3

Picture of previous detached garage at 20 N. Catherine



Peterson's Exhibit A-1
1-5

To: Village of LaGrange

From: Residents of 20-132 N. Catherine Avenue, LaGrange, IL 60525

Re: The Zoning Variance Request of 20 N. Catherine Avenue

By signing this petition, I verify that I am a resident of N. Catherine Avenue and that I support the request Kevin and Jeannette Barnicle have filed for a zoning variance request to construct a detached 2 car garage on their property in replacement of the 2 existing sheds.

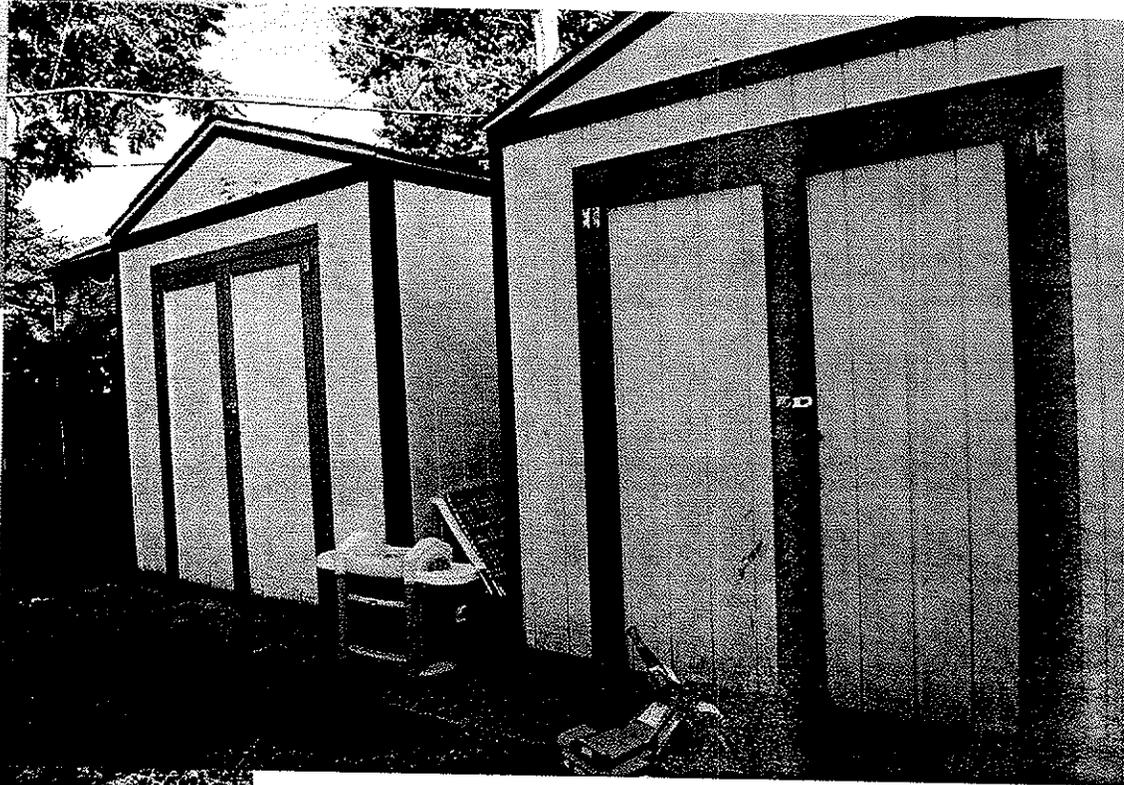
I understand that by doing so, Kevin and Jeannette will have exceeded the zoning variations by a few hundred square feet but I feel it will not only add value to the property and neighborhood but will also adhere to their right to have two covered parking spaces the rest of us enjoy.

Resident Name | Address

Signature

Tracy Metke 30 N Catherine LaGrange	Tracy A Metke
MARY ELIZABETH 24 N CATHERINE LABRANGE	Mary Elizabeth
Leann Dockins 32 N. Catherine LaGrange	Leann Dockins
Robin Brubaker 105 N Catherine LaGrange	Robin Brubaker
Cathy Quinlan 123 N. Catherine LaGrange	Cathy Quinlan
Tom Williams 114 N. Catherine LaGrange	Tom Williams

5-A.5



ZBA #584 3
20 N. Catherine &
Existing Conditions

Petitioner's Exhibit

FINDINGS OF FACT

ZONING BOARD OF APPEALS
OF THE
VILLAGE OF LA GRANGE

October 15, 2009

President Asperger and
Board of Trustees

RE: **ZONING CASE #584 VARIATION KEVIN AND JEANETTE BARNICLE, 20 N. CATHERINE AVENUE, MAXIMUM BUILDING COVERAGE AND MAXIMUM LOT COVERAGE TO AUTHORIZE THE CONSTRUCTION OF A DETACHED GARAGE WITHIN THE R-5 SINGLE FAMILY RESIDENTIAL DISTRICT.**

The Zoning Board of Appeals transmits for your consideration its recommendations for a request of zoning variation necessary to construct a detached garage at the property at 20 N. Catherine Avenue.

I. THE SUBJECT PROPERTY:

The subject property in question is a residential lot, 50 feet wide with a depth of 125 ft.

II. CHARACTERISTICS OF THE SURROUNDING AREA:

The subject property is located within the R-5 Single Family Residential District.

III. VARIATIONS SOUGHT:

The applicant seeks variations from Paragraph 3-110E1 (Maximum Building Coverage) by 9.6% and Subsection 3-110F (Maximum Lot Coverage) by 3.6% of the La Grange Zoning Code. Paragraph 14-303E1(c) Authorized Variations allows the increase of a maximum allowable building coverage by no more than 20% and allows the increase of the maximum allowable lot coverage by no more than 20%. The requested variations fall within the authorized limits of the Zoning Code.

IV. THE PUBLIC HEARING:

After due notice, as is required by law, (including legal publication, posting at the subject property and courtesy notices to owners within 250 feet of the subject property) the Zoning Board of Appeals held a public hearing on the proposed variations in the La Grange Village Hall Auditorium on October 15, 2009. Present were Commissioners Ian Brenson, Nathaniel Pappalardo, Nancy Pierson, Rosemary Naseef, Peter O'Connor, Kathy Schwappach and Chairperson Ellen Brewin presiding. Also present was Assistant Community Development

5-A.7

Director Angela Mesaros. Testimony was given under oath by the applicants. No objectors appeared at the hearing and no written objections have been filed to the proposed variations.

Chairperson Brewin swore in Kevin and Jeannette Barnicle, owners of the subject property at 20 N. Catherine, who presented the application and answered questions from the Commissioners:

- The Barnicles purchased the property four months ago at the end of May, 2009. No garage existed at the time of purchase. The previous owner had taken out the driveway and garage and constructed two sheds, which he used to store building materials for his rehabilitation projects. According to the Barnicles, they understood from their realtor that they could construct a detached garage on the existing slab.
- They propose to construct a new 22 feet wide by 20 feet deep detached garage to replace the sheds. They believe that it is a substantial right to have a two-car garage.
- At the time that they purchased the property, they were not aware of the building and lot coverage limitations, having never owned a home.
- The property has a large front porch that uses approximately 5% of the building coverage, even though it is not livable space. They have no direct access to their garage without adding concrete to continue the driveway. They are directly adjacent to a commercial area; however, their lot is a standard size 125 feet by 50 feet wide.
- Petitioners entered two Exhibits: (1) pictures, as Exhibit A, showing the garage in the back, and (2) petition from their neighbors in support of the proposed variation.
- They feel that there is no other remedy for parking. They can currently only park one car on the property. If they parked in their driveway, they would block a portion of the sidewalk. They have held off buying a second car, because there is not room on the street to park during the day due to the school across the street. In addition, the Village does not allow overnight parking on the street.

Chairperson Brewin solicited questions from the Commissioners:

- Commissioner Naseef asked if the proposed 22 by 20 garage would actually be a two and a half car garage with extra space for storage. Answer: Yes.

5-A.8

- Commissioner Brenson asked if it would be a single story garage. Answer: Yes, with a loft above for storage space. The height would meet the maximum allowable by Code.
- Commissioner Brenson asked what makes this a unique physical condition. Answer: They feel that several factors make the property unique: (1) The property has no driveway extending into the back yard; (2) A school is located directly across the street; (3) Next door is a commercial building next door; (4) the lot has two large storage sheds in place of a detached garage; and (5) finally, the fact that it is a Victorian house with a large front porch all contribute to the unique physical condition. In addition, the previous owners put on a substantial addition, which accounts for twenty to thirty percent of the house.
- Commissioner Pappalardo asked if the deck in the back counted as building coverage. Answer: No. He further asked when the large addition was constructed. Answer: 2003, according to the Village's permit records.

Under the provisions of the Zoning Ordinance, no variation shall be granted unless the applicant establishes that carrying out the strict letter of the provisions of this code would create a particular hardship or practical difficulty. Such a showing shall require proof that the variation sought satisfies certain conditions. The following facts were found to be evident:

1. Unique Physical Condition:

This zoning lot is typical of most single lots in the R-5 Single Family Residential District between Brainard and Catherine Avenue, from the commercial district, north to Bell Avenue. This lot measures 50 feet in width by 125 feet deep. The following items could be interpreted as unique:

- Driveway does not extend to back yard; only __ a driveway
- School located across the street
- The subject property is located directly adjacent to a commercial district.
- Two large sheds are located in the rear yard of the lot
- A large front porch contributes to building coverage

2. Not Self-Created:

According to the petitioners, the previous owner replaced the two-car garage with two sheds for storage of materials and took out the driveway. No building permit was issued for this work. Technically, this is self-created because the predecessor demolished the detached

5-A-9

garage and constructed a large addition in 2003 that created a situation in which a new garage would exceed building coverage.

3. Denied Substantial Rights:

A two-car garage is a right enjoyed by many residents in La Grange for automobiles and storage. The petitioner wishes to enjoy the same rights as other Village residents. The Zoning Code also requires a minimum of two parking spaces for single family residences. The Code however does not require that the parking spaces be a garage.

4. Not Merely Special Privilege:

The petitioner is proposing to construct a new 20 ft. by 22 ft. (440 sq. ft.) two-car detached garage, which is smaller than the maximum allowable on lots similar in size. However, technically 20 feet by 20 feet garage would be considered the smallest two-car detached garage.

5. Code and Plan Purposes:

In August 2007, the Village adopted a new requirement for lot coverage that limited the amount of impervious area on lots in the single family districts. Lot coverage limits "impervious surface," which includes houses, garages, sheds and other buildings, decks and patios, sidewalks, driveways, and other paved areas, compacted gravel and similar areas that are constructed in a manner that causes water runoff. Lot coverage calculations include incentives to encourage desirable design elements such as detached garages and front porches. (At community meetings, we found that among the top priorities were bonuses for detached garages and front porches and preclusion of front facing garages.) This property is consistent with that purpose.

The Zoning Code requires two parking spaces for each single family residence, and the Village does not allow overnight parking on the street. Therefore, the requested variation would allow a detached garage in which to park two vehicles. The proposed garage would meet the standard allowable floor area, 440 square feet, which is smaller than the maximum allowable size garage on a standard/small zoning lot similar to the petitioner's lot (484 square feet).

6. Essential Character of the Area:

5-A.10

The petitioners believe that the requested variation would not adversely affect the character of the neighborhood. A two-car detached garage is in character with the surrounding area and is a design element that the Village encourages through incentives for lot coverage.

7. No Other Remedy:

Currently, the property has two sheds in the proposed location of the detached garage. A variation is the only possible course of action to build a detached garage and accommodate two parking spaces. The petitioner would not be able to construct two covered parking spaces without a variation from building coverage requirements as the existing house with the front porch are currently built to the maximum allowable building coverage and lot coverage.

V. FINDINGS AND RECOMMENDATION:

- Commissioner Naseef stated that she believes this was not self-created and that the only other remedy would be a smaller garage.
- Chairperson Brewin stated that technically it is self-created because the predecessor in Title constructed a large addition onto the house and demolished the detached garage. This is not the original house technically because of the large addition recently put on the house. Ms. Brewin stated that she would want to see the smallest possible garage constructed on this property.
- Commissioner Naseef stated that technically the Code requires two parking spaces but does not specify that the spaces must be in a garage.
- Commissioner O'Connor stated that a small two-car garage is 20 feet by 20 feet; however, the proposed extra two feet would allow storage space for bicycles and a lawn mower.
- Chairperson Brewin stated that if the Village grants variations in cases where people have put additions on their houses creating a hardship for future projects, we send the message that the Village will step in and solve the problem by granting a variation.
- Commissioner Pappalardo stated he felt another option would be a one and a half car garage with a surface parking space in front of the garage. He thinks this would be reasonable by modern standards.

5-A.11

- Chairperson Brewin stated that if the house has been left intact as it was originally constructed, then she feels that it would not be a self created condition and would indeed be a hardship. However, in this case, an addition was fairly recently constructed with the assumption that they could construct a garage later with a variation.
- Commissioner Pappalardo suggested the condition that the existing front porch remain open and that the sheds be removed. He said the previous property owner created this problem by building a large addition onto the house, which has made it impossible to build a normal two-car garage. Therefore, it was self-created. There is too much lot coverage and too much house and a solution may be to tear down some of the house.
- Chairperson Brewin stated that the law assumes that people know the Codes and that it is up to them to understand the Codes before purchasing a property
- Commissioner Pappalardo stated that he would like to staff, in its reviews of new additions to a house, to assume a future 22 feet by 22 feet garage and calculate building coverage with that in mind.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Pierson and seconded by Commissioner Schwappach that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the application submitted with ZBA Case #584, with the added condition that the owners sign a covenant that the front porch remain open.

Motion CARRIED by a roll call vote (6/1/0).

AYE: Brenson, Naseef, O'Connor, Pierson Schwappach and Brewin
NAY: Pappalardo.
ABSENT: None.

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommended approval to the Village Board of the variations from Paragraph 3-110E1 (Maximum Building Coverage) and Sub Section 3-110F (Maximum Lot Coverage) of the Village of La Grange Zoning Code to allow construction of a detached garage at 20 N. Catherine Avenue.

5-A, 12

FF --ZBA Case #584
RE: 20 N. Catherine
Variation - Maximum Building and Lot Coverage
October 15, 2009 - Page 7

Respectfully submitted:

Zoning Board of Appeals of the
Village of La Grange

BY: *Ellen Brewin*
Ellen Brewin, Chairperson

5-A-12(a)

STAFF REPORT

CASE: ZBA #584 – Kevin and Jeannette Barnicle –20 N. Catherine - Maximum Building Coverage and Maximum Lot Coverage

BACKGROUND

(Note: This Staff Report is solely based on information presented in the application and on a physical inspection of subject property and environs, and is not influenced by any other circumstance.)

The petitioners, Kevin and Jeannette Barnicle, owners of the subject property at 20 N. Catherine wish to construct a 20 ft. deep by 22 ft. wide two-car detached garage. The property currently does not have two parking spaces as required by our Zoning Code. The proposed detached garage would replace two sheds constructed by a previous owner without a building permit. In order to access the garage, the petitioners will install a new driveway that was taken out by the previous owner,

Maximum allowable building coverage for this lot is 2,187.50 square feet. According to the petitioners, the residence with the existing sheds exceeds the allowable building coverage.* The house has a large front porch that is original to the structure, which contributes to the building coverage of the property and limits the available space. The proposed two-car garage would exceed the Maximum Building Coverage of 35% set forth in Paragraph 3-110E1 by 310 square ft. or 9.6 %. Subparagraph 14-303E1(c) (Authorized Variations) allows the increase of the maximum allowable building coverage by no more than 20%. The requested variation falls within the authorized limits of the Zoning Code.

In addition, maximum allowable lot coverage for this lot is 3,642.50 square feet. The proposed two-car garage would increase lot coverage to 3,772.50 square ft., which exceeds the Maximum Lot Coverage of 45% set forth in Subsection 3-110F by 130 square ft. or 3.6 %. Subparagraph 14-303E1(c) (Authorized Variations) allows the increase of the maximum allowable lot coverage by no more than 20%. The requested variation falls within the authorized limits of the Zoning Code.

VARIATION STANDARDS

General Standard - *"No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection."*

The petitioners propose a new detached garage in order to park two vehicles, which would bring the property into compliance with our parking requirements. The house has a front porch, which occupies approx. 5 % of the allotted 35% allowable building coverage. In order to access the garage, it is also necessary to extend the driveway along the side of the house to the new garage, which

* Please note that according to the building permit records in December 2002 and a review from the Village Engineer, the building coverage at that time with the proposed new addition did not exceed the required 35% allowable coverage.

5-A, 13

brings the property in excess of our lot (impervious surface) coverage requirements adopted in August 2007 as part of our Zoning Code amendments for bulk, yard and space regulations.

Unique Physical Condition - *"The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot."*

This zoning lot is typical of most single lots in the R-5 Single Family Residential District between Brainard and Catherine Avenue, from the commercial district, north to Bell Avenue. This lot measures 50 feet in width by 125 deep. The subject property is located directly adjacent to a commercial district.

Not Self-Created - *"The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid."*

According to the petitioners, the previous owner replaced the two-car garage with two sheds for storage of materials and took out the driveway. No building permit was issued for this work. The petitioners purchased the property in May 2009 and have made not changes to the property that affects the lot or building coverage.

Denied Substantial Rights - *"The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision."*

A two-car garage is a right enjoyed by many residents in La Grange for automobiles and storage. The petitioner wishes to enjoy the same rights as other Village residents. The Zoning Code also requires a minimum of two parking spaces for single family residences.

Not Merely Special Privilege - *"The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation."*

5-A.14

The petitioner is proposing to construct a new 20 ft. by 22 ft. (440 sq. ft.) two-car detached garage, which is smaller than the maximum allowable on lots similar in size. Currently the property does meet the required two parking spaces.

Code and Plan Purposes - *"The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan."*

In August 2007, the Village adopted a new requirement for lot coverage that limited the amount of impervious area on lots in the single family districts. Lot coverage limits "impervious surface," which includes houses, garages, sheds and other buildings, decks and patios, sidewalks, driveways, and other paved areas, compacted gravel and similar areas that are constructed in a manner that causes water runoff. Lot coverage calculations include incentives to encourage desirable design elements such as detached garages and front porches. (At community meetings, we found that among the top priorities were bonuses for detached garages and front porches and preclusion of front facing garages.) This property is consistent with that purpose.

The Zoning Code requires two parking spaces for each single family residence, and the Village does not allow overnight parking on the street. Therefore, the requested variation would allow a detached garage in which to park two vehicles. The proposed garage would meet the standard allowable floor area, 440 square feet, which is smaller than the maximum allowable size garage on a standard/small zoning lot similar to the petitioner's lot (484 square feet).

Essential Character of the Area - *"The variation would not result in a use or development on the subject property that:*

- a. *Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or*
- b. *Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or*
- c. *Would substantially increase congestion in the public streets due to traffic or parking; or*
- d. *Would unduly increase the danger of flood or fire; or*
- e. *Would unduly tax public utilities and facilitates in the area; or*
- f. *Would endanger the public health or safety."*

The petitioners believe that the requested variation would not adversely affect the character of the neighborhood. A two-car detached garage is in character with the surrounding area and is a design element that the Village encourages through incentives for lot coverage.

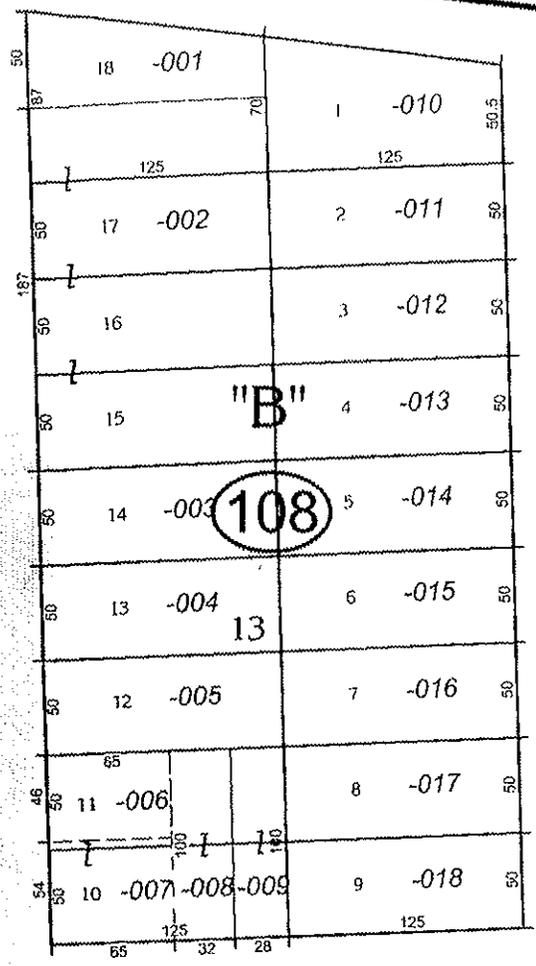
5-A.15

No Other Remedy - *"There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property."*

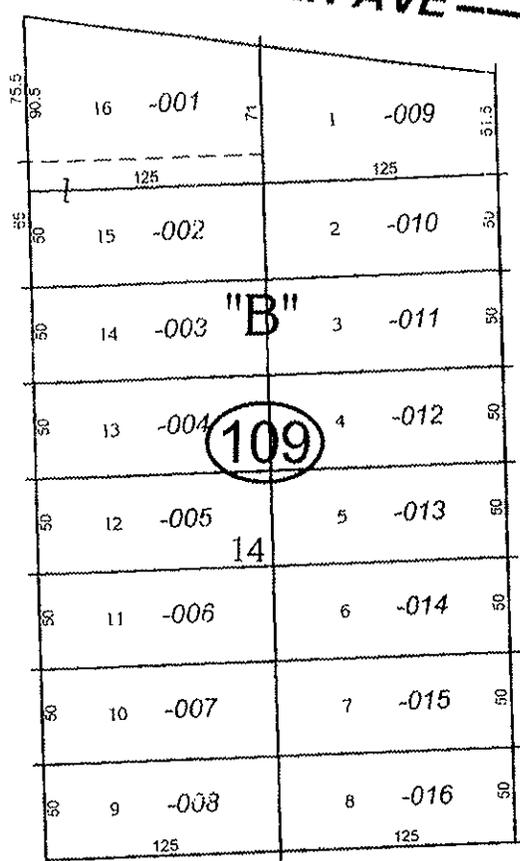
Currently, the property has two sheds in the proposed location of the detached garage. A variation is the only possible course of action to build a detached garage and accommodate two parking spaces. The petitioner would not be able to construct two covered parking spaces without a variation from building coverage requirements as the existing house with the front porch are currently built to the maximum allowable building coverage and lot coverage.

5-A.16

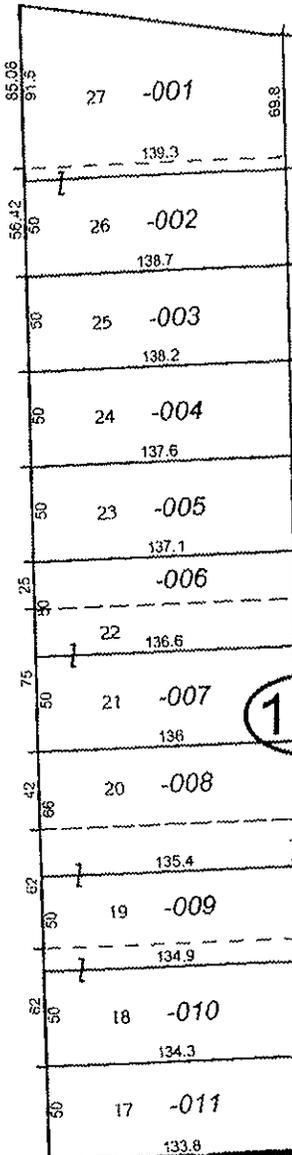
KENSINGTON AVE



OGDEN AVE

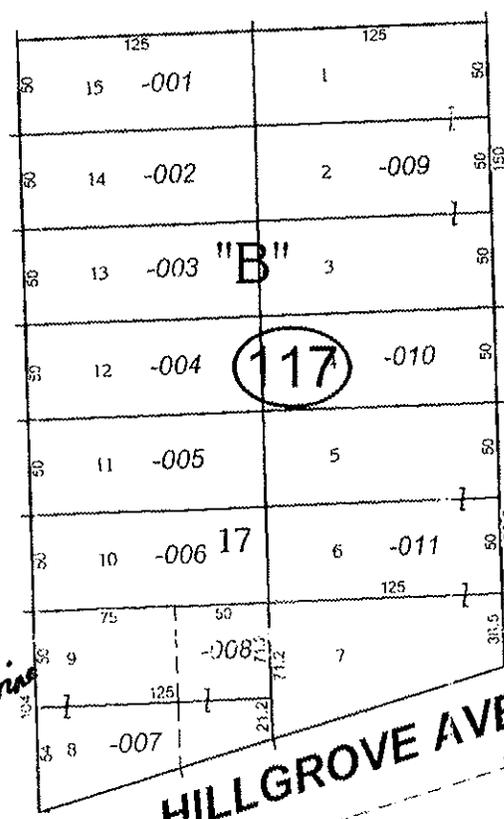
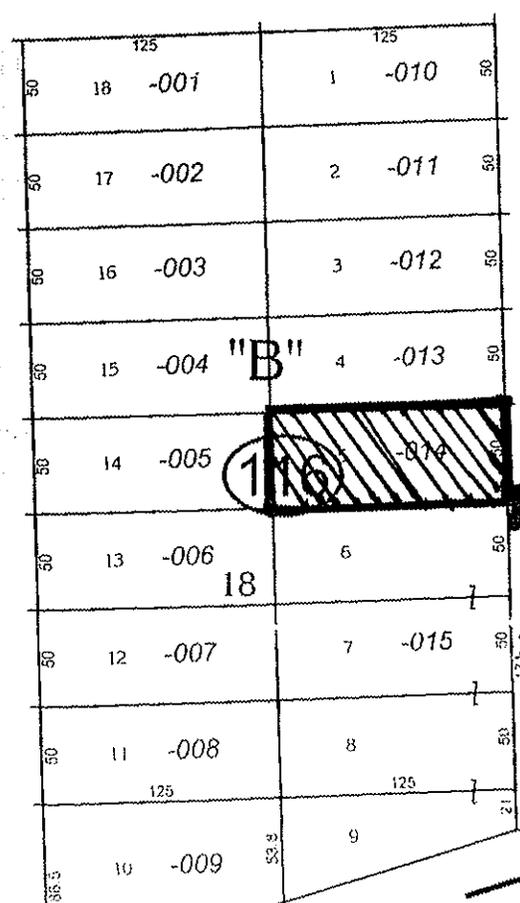


BELL AVE

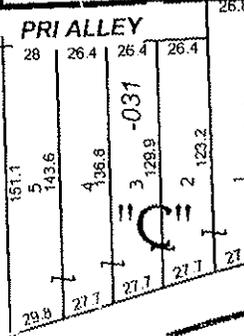


ASHLAND AVE

CATHERINE AVE



HILLGROVE AVE



20 N. Catherine

57A.18

APPLICATION FOR ZONING VARIATION

7

Application # 584

Date Filed: 9-17

UARCO #

89045

TO THE PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF LA GRANGE, ILLINOIS

(please type or print)

Application is hereby made by: Kevin and Jeannette Barnicle

Address: 20 N Catherine

Phone: 773-617-3480

Owner of property located at:
20 N Catherine

Permanent Real Estate Index No: 18041160140000

Present Zoning Classification: R5 Single Family Res. Present Use: Single Family dwelling

Ordinance Provision for variation from Article # _____ of Zoning Ordinance, to wit:
3-110E1 and 3-110F maximum lot coverage & maximum building coverage

A. Minimum Variation of Zoning requirement necessary to permit the proposed use, construction, or development:

Variation for Lot Coverage is 130 Sq ft
Variation for Building Coverage is 210 Sq ft

B. The purpose therefor,
To construct an average sized 2 car detached garage and expand concrete driveway to extend to garage.

C. The specific feature(s) of the proposed use, construction, or development that require a variation:
To have 2 covered parking spaces and driveway to extend to garage.

5-A.19

PLAT OF SURVEY must be submitted with application. The plat should show any existing buildings on the petitioned property as well as any existing buildings on property immediately adjacent. It should also show any proposed new construction in connection with the variation, including landscaping, fencing, etc.

1. General Standard. The Petitioner must list below **FACTS AND REASONS** substantially supporting **each** of the following conclusions or the petition for variation cannot be granted. (if necessary, use additional page)

a. State **practical difficulty** or **particular hardship** created for you in carrying out the strict letter of the zoning regulations, to wit:

I currently do not have 2 covered parking spaces with my existing home and there is no garage to park the cars. Right now my car has to be parked in a partial driveway outside in this harsh weather. About 5 years ago the previous owner tore down an existing 2 car garage and built 2 large sheds for tools, etc. The sheds do not provide me any value. I would like to remove the sheds, put a garage in their place and extend the concrete driveway to the garage so I can have the 2 covered parking spaces I am entitled to.

b. A reasonable return or use of your property is not possible under the existing regulations, because:

I currently do not have 2 covered parking spaces, and only a partial driveway to park my cars. Since there is no street parking nor 2 covered parking spaces, I have nowhere to park my cars. Also if I were allowed to construct the garage there is no concrete leading up to it which would mean I would have to drive through 100 feet or so of mud and dirt to get to garage, which would lead to potential safety issues for my children as well as damage to my house and car.

c. Your situation is unique (not applicable to other properties within that zoning district or area) in the following respect(s):

My situation is unique because I am the only house within a few blocks that does not have a detached garage, a leading concrete driveway, as well as the only one who does not have the entitled 2 covered parking spaces. It is also unique because the previous owner tore down the old existing garage to put up two large sheds, which provide me no value and are very unique/odd compared to the surrounding area. Additionally my situation is unique because I am adjacent to a commercial building.

5-7A-20

2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

As stated above the property is unique because it is located next to a Commercial Building. Also it is unique because it is in the smallest lot size within LaGrange. Finally the 2 large sheds (which replaced the tore down garage) are very unique and propose no value.

3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid

The previous owner was the one who tore down the 2 car garage and constructed the two large sheds in its place. I bought the house in as is condition in May 2009 and had nothing to do with either the garage being tore down nor the concrete also being taken out and replaced with a dirt path for plants, etc.

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

Every house within a few block radius within my area has detached 2 car garages on their property, resulting in them all being allowed to the entitled 2 cover parking spaces. Should I be denied the variation I would have zero covered parking spaces and not allowed the 2 covered parking spaces I was told I am entitled to.

5-A.21

5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

The proposed garage I would like to build is a general average sized 2 car garage with leading driveway. I am not asking for anything that would be considered special privilege or out of the norm for a 2 car constructed garage or leading driveway. I would be merely asking for what all my neighbors have.

6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

I was told by the Village that I have a right to 2 covered parking spaces and I currently have zero. Due to the no street parking policy if I were denied variation I would not have the ability to park my car on the street either, leaving me with nowhere to park the car.

7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:

- (a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or
- (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
- (c) Would substantially increase congestion in the public streets due to traffic or parking; or
- (d) Would unduly increase the danger of flood or fire; or

5-A.22

(e) Would unduly tax public utilities and facilities in the area; or

Would endanger the public health or safety.

The proposed construction of garage and concrete driveway would not apply to any of the above. It is very much the character of LaGrange homes to have 2 car detached garages with concrete driveways

8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

By staying within the guidelines I would only be able to construct a 1 car garage, which would not be adequate for my family. We have 2 cars and with children it is unreasonable to have only room for 1 car as we need two for the needs of the family. Additionally it would not be reasonable to drive through 100 feet of dirt on way to the garage, which would cause damage to car and house as well as create safety issues for my children. Finally it would not allow me the 2 covered parking spaces I am entitled to.

* * *

NOTICE: This application must be filed with the office of the Community Development Director, accompanied by necessary data called for above and the required filing fee of Five Hundred Dollars (\$500.00).

The above minimum fee shall be payable at the time of the filing of such request. It is also understood that the applicant shall reimburse the Village any additional costs over and above these minimums, which are incurred by the Village, including but not limited to the following:

- (a) Legal Publication (direct cost);
- (b) Recording Secretarial Services (direct cost);
- (c) Court Reporter (direct cost);
- (d) Administrative Review and Preparation (hourly salary times a multiplier sufficient to recover 100 percent of the direct and indirect cost of such service);
- (e) Document Preparation and Review (hourly salary times a multiplier sufficient to recover

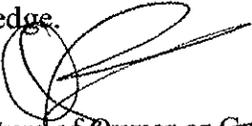
5-A-23

100 percent of the direct and indirect cost of such service);

- (f) Professional and Technical Consultant Services (direct cost);
- (g) Legal Review, Consultation, and Advice (direct cost);
- (h) Copy Reproduction (direct cost); and
- (i) Document Recordation (direct cost); and
- (j) Postage Costs (direct cost).

Such additional costs shall be paid by the applicant prior to the Board of Trustees making a decision regarding the request.

I, the undersigned, do hereby certify that I am the owner, or contract purchaser (**Evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application.**) and do hereby certify that the above statements are true and correct to the best of my knowledge.


(Signature of Owner or Contract Purchaser)

20 ~~N~~ Catherine
(Address)

La Grange

IL

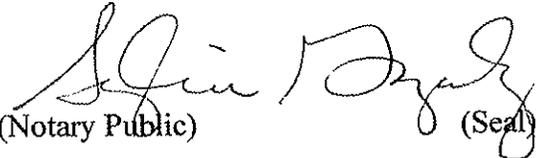
60525

(City)

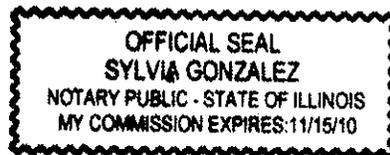
(State)

(Zip Code)

Subscribed and sworn to before me this 17 day of September, 2009.


(Notary Public)

(Seal)



Enclosures:

5-A-24

(FOR VILLAGE USE ONLY)

1. Filed with Office of the Community Development Director: Sept. 17, 20 09.
2. Transmitted to Zoning Board of Appeals at their meeting held:
Oct. 15, 2009
3. Continuation (if any):
4. Notice of hearing published in: Sub Life on: Sept. 23, 2009
5. Findings and Recommendation of Zoning Board of Appeals referred to Village Board at Meeting of:
6. Final Action of Village Board for adoption of amending ordinances or denial of applicant's request at meeting held:
7. Payment of expenses satisfied:

Conditions Imposed:

5-A-25



9/21/2009

20 N. Colwell

5-17-26

PLAT OF SURVEY

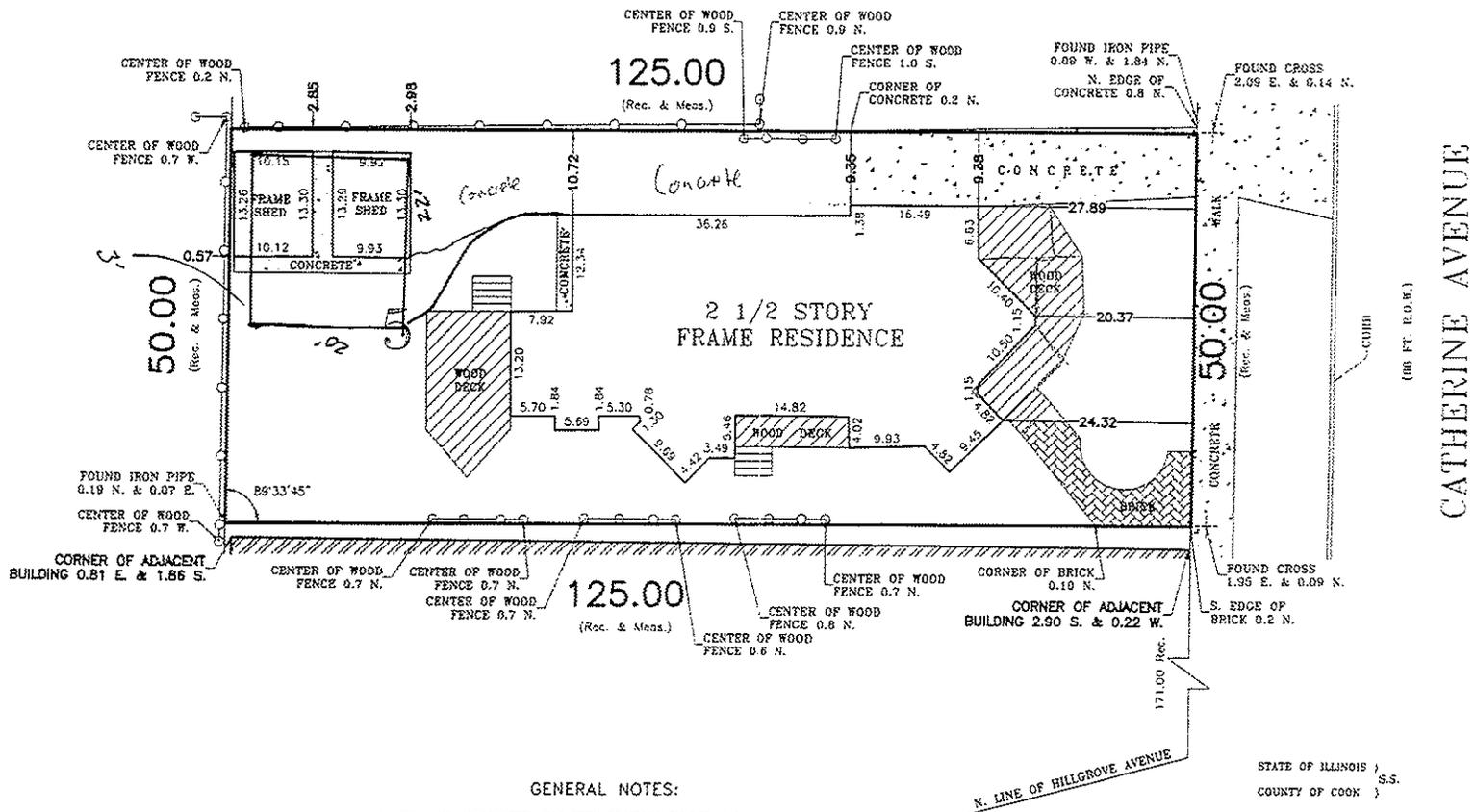
of

LOT 5 IN BLOCK 18 IN COSSITT'S FIRST ADDITION TO LA GRANGE, BEING A SUBDIVISION OF THAT PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD, AND SOUTH OF NAPERVILLE ROAD (OGDEN AVENUE) IN COOK COUNTY, ILLINOIS.

ADDRESS: 20 N. CATHERINE AVENUE, LA GRANGE, ILLINOIS



SCALE: 1"=15'



GENERAL NOTES:

- 1) THE LEGAL DESCRIPTION HAS BEEN PROVIDED BY THE CLIENT OR THEIR AGENT.
- 2) THIS SURVEY SHOWS THE BUILDING LINES AND BASEMENTS AS INDICATED BY THE RECORDED PLAT. THIS PLAT DOES NOT SHOW ANY RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES UNLESS SUPPLIED BY THE CLIENT.
- 3) BASIS OF BEARING FOR THIS SURVEY IS AS THE NORTH ARROW INDICATES, AND IS SHOWN TO INDICATE THE ANGULAR RELATIONSHIP OF THE BOUNDARY LINES.
- 4) MONUMENTS, IF SET, DURING THIS SURVEY, REPRESENT THE TRUE CORNERS OF THIS DESCRIPTION AS SURVEYED.
- 5) LOCATION OF SOME FEATURES MAY BE EXAGGERATED FOR CLARITY, NO EXTRAPOLATIONS MAY BE MADE FROM THE INFORMATION SHOWN HEREON.
- 6) ONLY COPIES WITH AN ORIGINAL SIGNATURE AND SEAL ARE OFFICIAL LEGAL DOCUMENTS. ALL SURVEYS ARE COPYRIGHTED MATERIALS WITH ALL RIGHTS RESERVED.



STATE OF ILLINOIS)
 COUNTY OF COOK) S.S.
 SURVEY ORDERED BY: KEVIN BARNHILL
 I, JOSEPH P. MANKISCH, AS AN EMPLOYEE OF PREFERRED SURVEY INC., DO HEREBY STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. PROPERTY CORNERS HAVE BEEN SET, NOT IN ACCORDANCE WITH CLIENT AGREEMENT, DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECT TO A TEMPERATURE OF 68 DEGREES FAHRENHEIT.
 GIVEN UNDER MY HAND AND SEAL OF OFFICE AT BRIDGEVIEW, ILLINOIS, THIS 09/02/09.
 JRD DAY 09/02/09 2009
 JOSEPH P. MANKISCH
 PROFESSIONAL LAND SURVEYOR
 NO. 116
 STATE OF ILLINOIS
 BRIDGEVIEW, ILLINOIS
 MY LICENSE EXPIRES 12/31/10

5-A-27

Professional Design Registration #184-02795	
PREFERRED SURVEY, INC.	
7845 W. 76TH STREET, BRIDGEVIEW, IL, 60455	
Phone 708-456-7845 / Fax 708-456-7855	
www.psisurvey.com	
Field Work Completed	09/02/09 FLD CREW: CR/CD
Land Area Surveyed	5249.8 Sq. Ft. CAD. EU
Drawing Revised	

VILLAGE OF LA GRANGE
Community Development Department

BOARD REPORT

TO: Village President, Board of Trustees
Village Clerk and Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Patrick D. Benjamin, Community Development Department

DATE: November 9, 2009

RE: **LA GRANGE BUSINESS ASSOCIATION/ 2009 HOLIDAY WALK -
REQUEST FOR VILLAGE SPONSORSHIP**

Attached for your consideration is a request from the La Grange Business Association seeking authorization and financial support for the 18th annual Holiday Walk to be held on Saturday, December 5, 2009 from 5:00 p.m. to 9:00 p.m.

The La Grange Business Association is again requesting that the Village co-sponsor the annual Holiday Walk. At this time the La Grange Business Association is requesting that the Village contribute an amount not to exceed \$12,000. This amount has been provided for in our Fiscal Year 2009/2010 Budget. The Village's position of sponsorship is committed to marketing the event, which includes newspaper advertisements, posters, and most importantly the production and mailing of the brochure indicating participants and activities for the evening.

As in the past, activities will start with an All-Village Sing, followed by Santa's arrival by fire truck and the traditional lighting of the "Village Tree." Santa will be seated in the Village Hall auditorium together with Mrs. Claus and will be assisted by several elves. Face painting, enhanced decorations, and the addition of musical entertainment are part of the plans for families waiting in line to visit with Santa and Mrs. Claus.

The Holiday Walk will include strolling musicians, costumed characters and ice sculptures situated throughout the Village. There will also be a cider and snack station in the fountain area.

The annual Holiday Walk has always been a positive reflection of the Village of La Grange and brings shoppers into the community which is the ultimate goal of both the La Grange Business Association and the Village of La Grange.

5-B

It is recommended that the Village again support the Holiday Walk's cost of advertising and marketing for 2009 in an amount not to exceed \$12,000, with the following conditions as outlined in our sponsorship policy:

- The La Grange Business Association will provide a complete financial statement for the organization for fiscal year 2009;
- The La Grange Business Association will provide a budget for this event including line item detail;
- The La Grange Business Association will acquire cash sponsorship to match the Village contribution;
- The La Grange Business Association will provide a complete final accounting for this event;
- The Village of La Grange is to be prominently listed on all advertising, including, but not limited to, posters, web sites and newspaper advertising. All advertising is to be approved by Village staff prior to public presentation
- All events are to be coordinated to the satisfaction of the Village.

Representatives from the La Grange Business Association will be in attendance at your meeting to answer any questions you may have.

5-B.1



106 Calendar Avenue La Grange, Illinois 60525
Info@LGBA.com

October 30, 2009

Via EMAIL

Mr. Patrick Benjamin
Village of La Grange
53 S. La Grange Rd.
La Grange, IL 60525

Dear Pat:

Plans are underway for the 18th annual Christmas Walk. The Walk will be held Saturday, December 5th, from 5-9 pm throughout Downtown La Grange.

The Village of La Grange and the La Grange Business Association have successfully partnered to provide our residents a magical evening filled with community spirit. Once again activities will start at 5:00pm on the Village Hall lawn with an All-Village Sing, followed by Santa's arrival by fire truck and lighting of the "Village Tree". We would like to continue the tradition of lighting the large evergreen-style tree on the south end of the Village Hall lawn.

We have been pleased with the arrangement of having Santa situated in the Village Hall Board Room and would like to continue with this idea again this year. Mrs. Clause and several Elves will also be in attendance. We would also like to provide musical entertainment while waiting in line to see Santa. Face painting and improved decorations are also part of the plans for Village Hall as well as a variety of decorated Christmas Trees.

Plans are underway to have strolling musicians, costumed characters and ice sculptures situated throughout the Central Business District. We will also be providing our guests the opportunity to ride the "Polar Express" (a train ride) in the parking lot behind Palmer Place. There will be two horse drawn carriages and two trolley cars in the downtown area that evening. We will also be setting up a cider and snack station around the fountain area. We will also be hosting a Petting Zoo/Pony Rides on Calendar Court for all the kids to enjoy.

We again request that the Fire Department deliver Santa to Village Hall at 5:30pm. Estimates from past years have indicated that approximately 4,000 people are in town the

5-B.2

night of the Walk, so we also request any additional police manpower that you deem necessary.

The La Grange Business Association has worked diligently each year to continue to improve the quality of our Christmas Walk. Committee members volunteer countless hours coordinating the details, which insure the success of this event. We truly appreciate the help of the Village with sponsorship and the help from Village Departments to help decorate our town.

The La Grange Business Association would like to formally request the marketing funds of \$12,000, which have been budgeted by the Village. We believe our partnership makes The La Grange Christmas Walk an event that is enjoyed by our community and envied by our neighbors.

The Village of La Grange will be included in all newspaper, website, direct mail and other corresponding marketing materials as a "Co-Sponsor" of this important community event along with the LGBA. The La Grange Business Association will provide the necessary expense and receipt reports so that the Village can make their reimbursement.

Again, the LGBA would like to thank the Village of La Grange for their participation and support of this wonderful event.

Please call me at (708) 302-3092 or email me at urbansole@sbcglobal.net with any questions or concerns that you may have.

Sincerely,

Honor Lorenzini
Co-Chair – Christmas Walk 2009
La Grange Business Association

Ryan Williamson
Co-Chair - Christmas Walk 2009
La Grange Business Association

P.S. Please forward this letter or share its contents with the appropriate Village staff so that they will be informed of the plans for this year.

5-B.3

VILLAGE OF LA GRANGE
Finance Department

BOARD REPORT

TO: Village President and Board of Trustees, Village Clerk and
Village Attorney

FROM: Robert J. Pilipiszyn, Village Manager
Lou Cipparrone, Finance Director

DATE: November 5, 2009

RE: **PRELIMINARY REVIEW OF THE PROPOSED 2009 PROPERTY
TAX LEVY REQUEST**

The **Truth in Taxation Law** requires a preliminary review of the proposed property tax levy by the corporate authorities at least 20 days prior to the adoption of the tax levy to determine if the aggregate levy is more than 5 percent greater than the preceding year's tax levy extension, exclusive of debt service. If the preliminary levy is estimated to exceed the preceding year's levy by more than 5 percent, the Village must hold a public hearing prior to the adoption of the proposed property tax levy. The proposed Truth in Taxation levy request, excluding debt service, shows a total increase of 7.60 percent over the prior year's extension (See attached Exhibit 1). Therefore, the Village of La Grange is required to hold a public hearing prior to the adoption of the 2009 property tax levy. The public hearing is tentatively scheduled for Monday, December 14, 2009.

The proposed Village and Library's property tax levy increase of 7.60 percent over the prior year's extension, exclusive of debt service, is also subject to the **Property Tax Limitation Act** (property tax caps), which limits the increase in property tax extensions, exclusive of debt service and new property growth, to five percent, or the percent of increase in the national Consumer Price Index (CPI), whichever is less.

The key feature resulting from the property tax limitation legislation is the calculation of the limiting rate. The aggregate rate extended for those funds subject to the Property Tax Limitation Act cannot exceed the limiting rate. The limiting rate formula allows for growth in aggregate extensions by the amount of the limit, **plus** amounts for voter approved rate increases and new growth. When calculating the limiting rate, the Village must also make its best estimate concerning the 2009 EAV and 2009 new property, as these figures will not be known until after the final levy is required to be filed with the County, no later than the last Tuesday in December.

The limit rate calculation includes new growth which is generally defined as improvements or additions to a property that increase the assessed value of that real property during the levy year. It does not include maintenance, remodeling or triennial reassessments.

5-C

The Village's limiting rate for the 2009 tax levy is calculated as follows:

(2008 extension, excluding debt service)					
7,161,232	x	1.001 (CPI)	=	7,168,393	= 1.0226
(753,482,539 - 45,000,000 - 7,500,000) divided by 100				7,009,825	
(2009 est. EAV - TIF est. new growth - 2009 est. new growth)					

The CPI rate for the 2009 levy determined as of December 2008 was 0.1 percent. The percentage increase in the tax levy over the 0.1 percent CPI represents estimated new growth of \$45 million of Equalized Assessed Valuation (EAV) from the end of the TIF District and estimated new construction of \$7.5 million of EAV during the next fiscal year.

At this time, the actual amount of new growth in 2008 resulting from the end of the TIF District, which is impacted by the most recent triennial reassessment, is not available from Cook County. We were able to confirm with the County that the overall 2008 EAV of the Village increased by approximately 16.5 percent; however, the Village EAV consists of primarily residential property with the TIF EAV consisting of commercial properties. New growth from the TIF increment will also include La Grange Pointe which may result in a further increase in the TIF increment. Therefore, we have included a new growth estimate of \$45 million in EAV which is a 25% increase in the TIF EAV to ensure the capture of the entire new growth which is only available for the upcoming 2009 levy. It is critical to capture new growth in the year it becomes available. Otherwise, it will become part of the succeeding years' base EAV and not subject to an increased levy. If such new growth does not occur, the property tax levy will automatically be lowered by Cook County.

In addition, the Village is estimating additional new growth of \$7.5 million based upon continued residential and commercial construction Village wide. Cook County reported new growth in the Village during 2008 of \$8.8 million, \$7.2 million in 2007, \$9.8 million in 2006, \$12.9 million in 2005, \$4.1 million in 2004 and \$3.1 million in 2003.

Cook County also includes a 3% loss and cost factor to the Village levy. This ensures the Village will collect sufficient property taxes to fund operations and make bond payments. The loss and cost amount is added to levies to offset any unpaid property taxes due to delinquencies and foreclosures. By including a loss and cost factor, the Village ensures any new growth not accounted for in the Village's estimate will be captured as part of the tax levy.

Since the adoption of the Property Tax Limitation Act in 1994, the Village has levied the maximum amount allowable under the tax cap in order to generate sufficient revenues to meet increasing operating costs. With tax levies limited to the lesser of 5% or the CPI, excluding new growth; and personnel, pension and health insurance costs increasing in excess of these amounts the Village must continue with conservative fiscal management, economic development and identifying alternate revenue sources in order to meet operational requirements and maintain its strong financial condition.

5-C.1

It should be noted that at this time, the Village Board is only announcing the 2009 preliminary tax levy for the purpose of determining if the total aggregate levy is more than 5 percent greater than the preceding year's tax levy extension in accordance with Truth in Taxation requirements. *The final amounts of the individual line item levies (corporate, forestry, road & bridge, ambulance, police and fire pension levies, etc.) which collectively make up the total Village property tax levy will be determined after the pension workshop to be held later this evening.* It is important to note that due to tax cap limitations, any increase in any one individual line item levy results in a corresponding decrease in another individual line item levy.

Although the proposed Village and Library's 2009 property tax levies reflect an increase of 7.60 percent over the prior year's extension, the impact on an individual homeowner is limited to the increase of the CPI which is .01 percent (See attached Exhibit 3). The limiting rate calculation allows the Village to include the increased dollar amount of the property tax levy which is then distributed over a larger EAV base which ultimately limits the overall increase on an individual property to the increase in the CPI.

The ordinance adopting the final 2009 tax levy will be presented at the December 14, 2009 Village Board meeting, which will be preceded by a public hearing at 7:30 p.m. in order to receive public comment and answer any questions regarding the 2009 tax levy.

Exhibits 1, 2, and 3

Exhibit 1 shows the Village's Truth in Taxation calculation. The proposed 2009 property tax levy request of \$7,705,269 represents an increase of \$544,037 or 7.6 percent from the 2008 tax levy of \$7,161,232.

Exhibit 2 presents historical data about the Village's assessed valuation, EAV and new growth.

Exhibit 3 is a comparison of the Village and Library 2008 and 2009 property tax rates on residential property. Assuming the tax levy is adopted, the proposed increase of 7.60% on a home with an assessed property value of 250,000 (which is an estimated market value of approximately \$400,000), results in an increase of \$.88 from the Village levy and an increase of \$.29 from the Library levy.

Recommendation

We recommend that the Village Board approve the attached resolution announcing an estimated 2009 tax levy of \$7,705,269, exclusive of debt service, which is a 7.60 percent increase from the 2008 tax levy.

5-C.2

VILLAGE OF LA GRANGE

RESOLUTION _____

RESOLUTION PUBLISHING
PROPOSED REAL ESTATE TAX LEVY
FOR FISCAL YEAR 2009-10

WHEREAS, the VILLAGE OF LA GRANGE is required by law to determine the amounts of money estimated to be necessary to be raised by taxation for the upcoming fiscal year upon the taxable property in the Village; and

WHEREAS, the Village is required under State Statute 35 ILCS 200/18-55 to make such a determination at least 20 days prior to the date of a required public hearing,

THEREFORE, IT IS HEREBY RESOLVED by the President and Board of Trustees of the VILLAGE OF LA GRANGE, that the estimated amount of said levy is hereby determined to be the sum total amount of \$ 7,705,269.

Resolved in open meeting this 9th day of November, 2009.

AYES: _____

NAYS: _____

ABSENT: _____

Approved this 9th day of November, 2009.

Village President _____
Elizabeth M. Asperger

Attest: Village Clerk _____
Robert N. Milne

5-C.3

VILLAGE OF LAGRANGE
LIMITING RATE AND
TRUTH IN TAXATION CALCULATIONS
(Proposed 2009 Tax Levy for the 2010-11 budget year with 2008 Extended Tax Levy.)

EXHIBIT 1

2009 LEVY PROJECTION

LIMITING RATE CALCULATION:

$$\frac{\begin{array}{r} \text{(2008 extension, excluding debt service)} \\ 7,161,232 \text{ X} \\ \hline \text{(2009 est. EAV)} \end{array} - \begin{array}{r} 45,000,000 \\ \text{(TIF est. new growth)} \end{array}}{\begin{array}{r} \text{(CPI increase)} \\ 1.001 \\ \hline \text{(2008 est. new growth)} \end{array}} = \frac{7,168,393}{7,009,825} = \boxed{1.0226}$$

TRUTH IN TAXATION CALCULATION:

2009 EAV 753,482,539 (EST.)
2008 EAV 700,982,539

	<u>EXTENDED 2008 LEVY FOR FY 09-10</u>	<u>EXT. 2008 LEVY RATES</u>	<u>PROPOSED 2009 LEVY FOR FY 10-11</u>	<u>DOLLAR CHANGE</u>	<u>% CHANGE</u>	<u>EST. 2009 LEVY RATES</u>
TOTAL VILLAGE TAX LEVY W/O DEBT SERVICE	5,376,531	0.7670	5,784,985	408,454	7.60%	0.7678
TOTAL LIBRARY TAX LEVY	<u>1,784,701</u>	0.2546	<u>1,920,284</u>	<u>135,583</u>	7.60%	0.2549
TOTAL TAX LEVY-TRUTH IN-TAXATION PURPOSE	<u>7,161,232</u>	1.0216	<u>7,705,269</u>	<u>544,037</u>	7.60%	1.0226

DEBT SERVICE LEVY						
DEBT SERVICE - Village	0	0.0000	0	0		0.0000
DEBT SERVICE - Library	<u>683,855</u>	0.0976	<u>686,993</u>	<u>3,138</u>	0.46%	0.0912
TOTAL PROPERTY TAX LEVY	<u>7,845,087</u>	1.1192	<u>8,392,262</u>	<u>547,175</u>	6.97%	1.1138

SPECIAL SERVICE AREA LEVY	<u>56,985</u>	n/a	<u>57,042</u>	57	0.10%	
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5-C.4

VILLAGE OF LAGRANGE
COMPARATIVE EQUALIZED ASSESSED VALUATIONS (EAV)
AND EAV GROWTH (NEW AND OTHER)

EXHIBIT 2

LEVY YEAR	ASSESSED VALUATION	X	STATE EQUALIZER FACTOR	=	(EAV)	EAV GROWTH INCREASE/ (DECREASE)	% INCR/-DCR	NEW GROWTH	OTHER GROWTH
1991	100,926,777	X	2.0523	=	207,132,024	2,256,348	1.10%	922,718	1,333,630
1992	100,690,430	X	2.0897	=	210,412,791	3,280,767	1.58%	1,002,086	2,278,681
1993	110,172,321	** X	2.1407	=	235,845,887	25,433,096	12.09%	2,145,359	23,287,737
1994	110,094,531	X	2.1135	=	232,684,791	-3,161,096	-1.34%	1,202,720	-4,363,816
1995	115,678,873	X	2.1243	=	245,736,629	13,051,838	5.61%	11,861,094	1,190,744
1996	135,027,644	** X	2.1517	=	290,538,982	44,802,353	18.23%	15,663,453	29,138,900
1997	134,771,687	X	2.1489	=	289,610,878	-928,104	-0.32%	941,208	-1,869,312
1998	135,041,788	X	2.1799	=	294,377,593	4,766,715	1.65%	1,584,900	3,181,815
1999	147,451,925	** X	2.2505	=	331,840,558	37,462,965	12.73%	2,611,861	34,851,104
2000	136,689,081	X	2.2235	=	303,928,172	-27,912,386	-8.41%	658,319	-28,570,705
2001	137,556,750	X	2.3098	=	317,728,581	13,800,409	4.54%	1,903,529	11,896,880
2002	172,617,977	** X	2.4689	=	426,176,523	108,447,942	34.13%	7,078,569	101,369,373
2003	172,869,731	X	2.4598	=	425,224,964	-951,559	-0.22%	3,135,222	-4,086,781
2004	171,946,272	X	2.5757	=	442,882,014	17,657,050	4.15%	4,162,575	13,494,475
2005	209,260,588	** X	2.7320	=	571,699,926	128,817,912	29.09%	12,971,996	115,845,916
2006	210,506,792	X	2.7076	=	569,968,189	-1,731,737	-0.30%	9,787,889	-11,519,626
2007	211,730,722	X	2.8439	=	602,141,000	32,172,811	5.64%	7,194,191	24,978,620
2008**	235,339,602	** X	2.9786	=	700,982,539	98,841,539	16.42%	8,802,486	90,039,053
2009	264,946,918	** X	2.8439	=	753,482,539	52,500,000	8.72%	52,500,000	0

Notes:

- NEW GROWTH INCLUDES IMPROVEMENTS OR ADDITIONS THAT INCREASE THE EAV OF THE PROPERTY
- OTHER GROWTH INCLUDES REASSESSMENTS (TRIENNIAL/SALE OF PROPERTY), REMODELING, AND INC. OR DEC. IN THE STATE MULTIPLIER.
- EAV IS COMPUTED BY MULTIPLYING THE ASSESSED VALUATION BY THE STATE EQUALIZER FACTOR.

* ESTIMATED EAV, NEW AND OTHER GROWTH
 ** TRIENNIAL REASSESSMENT

5-C.5

VILLAGE OF LA GRANGE / PUBLIC LIBRARY
TAX LEVY SUMMARY

WHAT EFFECT WILL THIS HAVE ON MY TAXES?

	<u>2008 RATE</u>	<u>2009 RATE</u>
ASSESSED PROPERTY VALUE (As determined by Cook County Assessor's Office)	\$250,000	\$250,000
X (TIMES) CLASSIFICATION FACTOR	<u>16%</u>	<u>16%</u>
= (EQUALS) ASSESSED VALUATION	\$40,000	\$40,000
X (TIMES) STATE EQUALIZER	2.9786	2.9786
- (MINUS) HOMEOWNERS' EXEMPTION	<u>(\$5,000)</u>	<u>(\$5,000)</u>
= (EQUALS) EQUALIZED ASSESSED VALUATION	\$114,144	\$114,144
/ (DIVIDED BY)	<u>100</u>	<u>100</u>
	\$1,141.44	\$1,141.44
X (TIMES) VILLAGE TAX RATE	<u>0.7670</u>	<u>0.7678</u>
= (EQUALS) VILLAGE TAX BILL	\$875.48	\$876.36
DIFFERENCE IN VILLAGE RATE	\$0.88	
LIBRARY TAX RATE	<u>0.2546</u>	<u>0.2549</u>
= (EQUALS) LIBRARY TAX BILL	\$290.61	\$290.90
DIFFERENCE IN LIBRARY RATE	\$0.29	
TOTAL VILLAGE/PUBLIC LIBRARY TAX BILL	<u><u>\$1,166.10</u></u>	<u><u>\$1,167.26</u></u>
DIFFERENCE IN TOTAL TAX RATE	\$1.16	

5-C.6