

# Village of La Grange



## VILLAGE BOARD MEETING

MONDAY, FEBRUARY 12, 2007

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, February 12, 2007 – 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

*President Elizabeth Asperger  
Trustee Richard Cremieux  
Trustee Mike Horvath  
Trustee Mark Langan  
Trustee Tom Livingston  
Trustee Nicholas Pann  
Trustee Barb Wolf*

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. Ordinance – Design Review Permit (DRP) #72, 1 S. Waiola Avenue, Kevin Allodi
- B. Ordinance – Variation – Fence – Front Yard, St. John's Lutheran Church and School, 505 S. Park Road
- C. Professional Services Agreement – Evaluation of Village Hall HVAC System
- D. Professional Services Agreement – Evaluation of Fire Department HVAC System
- E. Engineering Services Agreement – Water Utility and Sewer Utility Atlases

- F. Consolidated Voucher 070212
- G. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, January 22, 2007

5. CURRENT BUSINESS

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

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  
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: February 12, 2007

RE: **ORDINANCE – DESIGN REVIEW PERMIT (DRP) #72, 1 SOUTH  
WAIOLA, KEVIN ALLODI**

---

Mr. Randy King of Architects by Design, on behalf of Kevin Allodi, owner of the property at 1 South Waiola, appeared before the Design Review Commission at their meeting of January 10, 2007, seeking a Design Review Permit for the property at 1 South Waiola.

Mr. King made the presentation stating that it was the property owner's intention to upgrade the current architectural elements and improve the appearance of the property located at 1 South Waiola. The subject property was previously occupied by Century Blueprint and the Healing Arts Center. These two spaces will be remodeled into one newly created space. The property owner intends to fill the space with a new business which will offer food (breakfast, lunch and dinner) and feature live entertainment at night. The working title of the new business is the "Buzz Bongo Lounge." Mr. King stated that in addition to improving the appearance of the property, the proposed renovation would help to create some energy for the emerging West End Business District.

The proposed renovations include, but are not limited to cleaning, tuckpointing and repairing of the brick and stone banding around the property, installation of new windows and window frames, the installation of dark green granite at the base of the property, new light fixtures and decorative awnings.

After questions and comments by the Commissioners, the Design Review Commission voted unanimously to recommend approval of the Design Review Permit #72 to the Village Board.

Staff concurs with this recommendation and has prepared the necessary ordinance approving Design Review Permit #72 for the property at 1 South Waiola.

4-A

ORDINANCE NO. O-07-

AN ORDINANCE GRANTING A DESIGN REVIEW PERMIT FOR  
1 SOUTH WAIOLA

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

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

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 \_\_\_\_\_, 2007.

WHEREAS, Kevin Allodi has filed an application with the Village of La Grange seeking a Design Review Permit to remodel the facade of the property commonly known as 1 South Waiola, in the Village; and

WHEREAS, the La Grange Design Review Commission held a public meeting on January 10, 2007 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 applicants have 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. In the event any of the existing brick should require

4-A.1

replacement, every attempt will be made to find a match of the existing brick, if not a complimentary color will be presented by the property owner to be reviewed by staff.

**SECTION 3. FAILURE TO COMPLY WITH PLANS AND SPECIFICATIONS REVOCATION OF PERMIT.** Any failure or refusal of the Applicants 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 \_\_\_\_\_, 2007, pursuant to a roll call vote as follows:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Elizabeth Asperger, Village President

ATTEST:

\_\_\_\_\_  
Robert N. Milne, Village Clerk

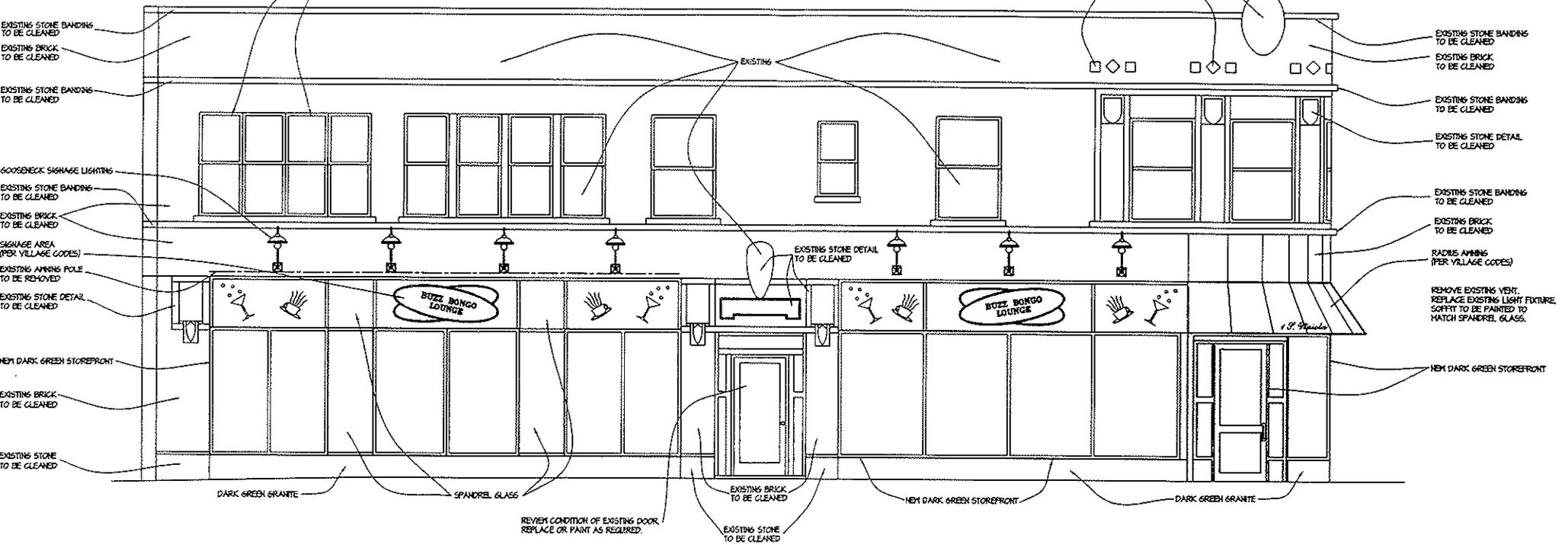
/

4-A.2

Exhibit 4  
 4-A.3

REPLACE EXISTING CASERMENT WINDOWS WITH  
 NEW ALUMINUM CLAD DOUBLE-HUNG WINDOWS.  
 COLOR: DARK GREEN  
 (ALTERNATE: PAINT EXISTING WINDOWS DARK GREEN)

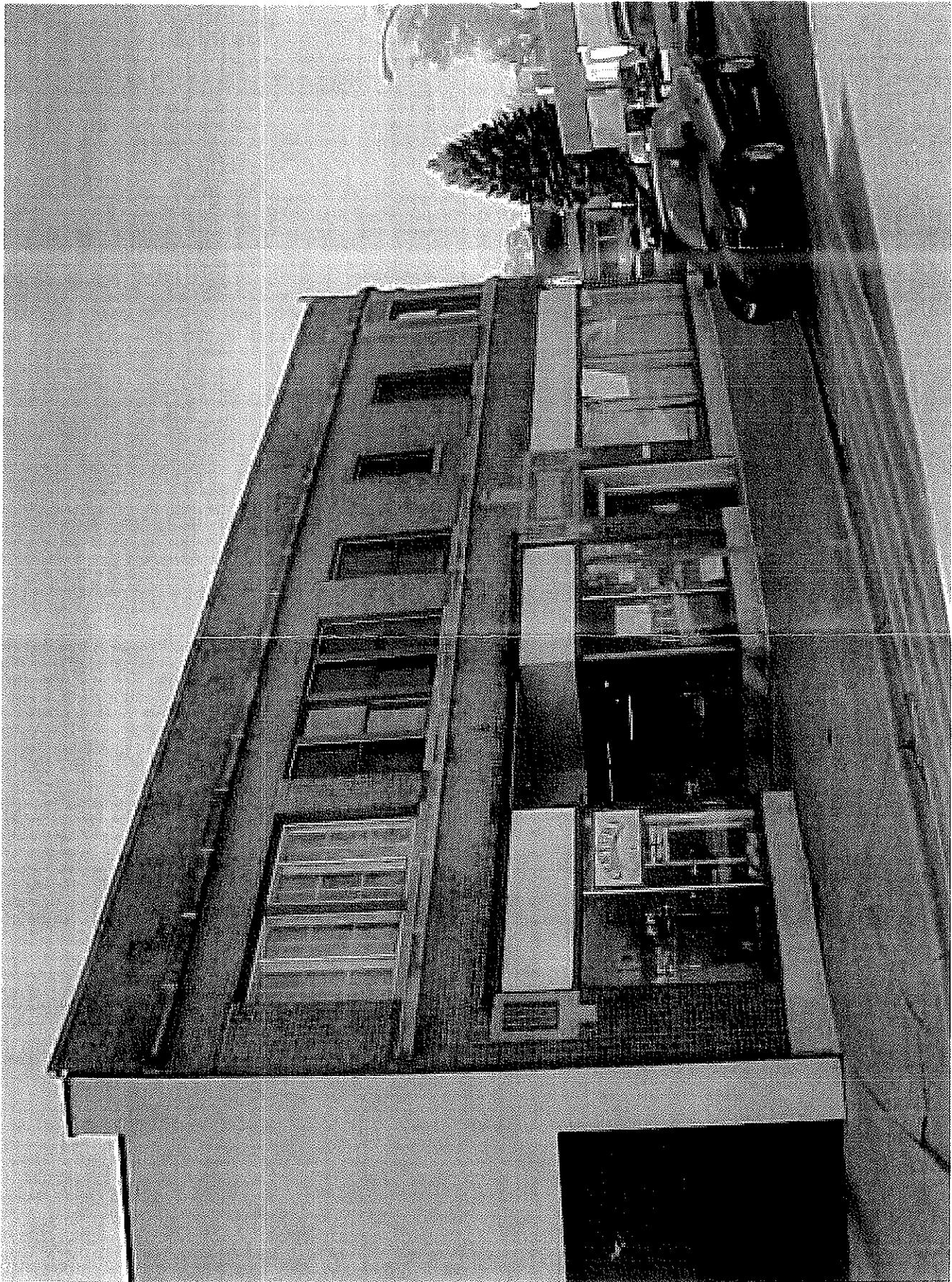
NOTES:  
 MASH EXISTING BRICK AND STONE.  
 TUCK POINT BRICK WITH BUFF MORTAR.  
 TUCK POINT STONE WITH MORTAR TO MATCH STONE.



North Side Elevation

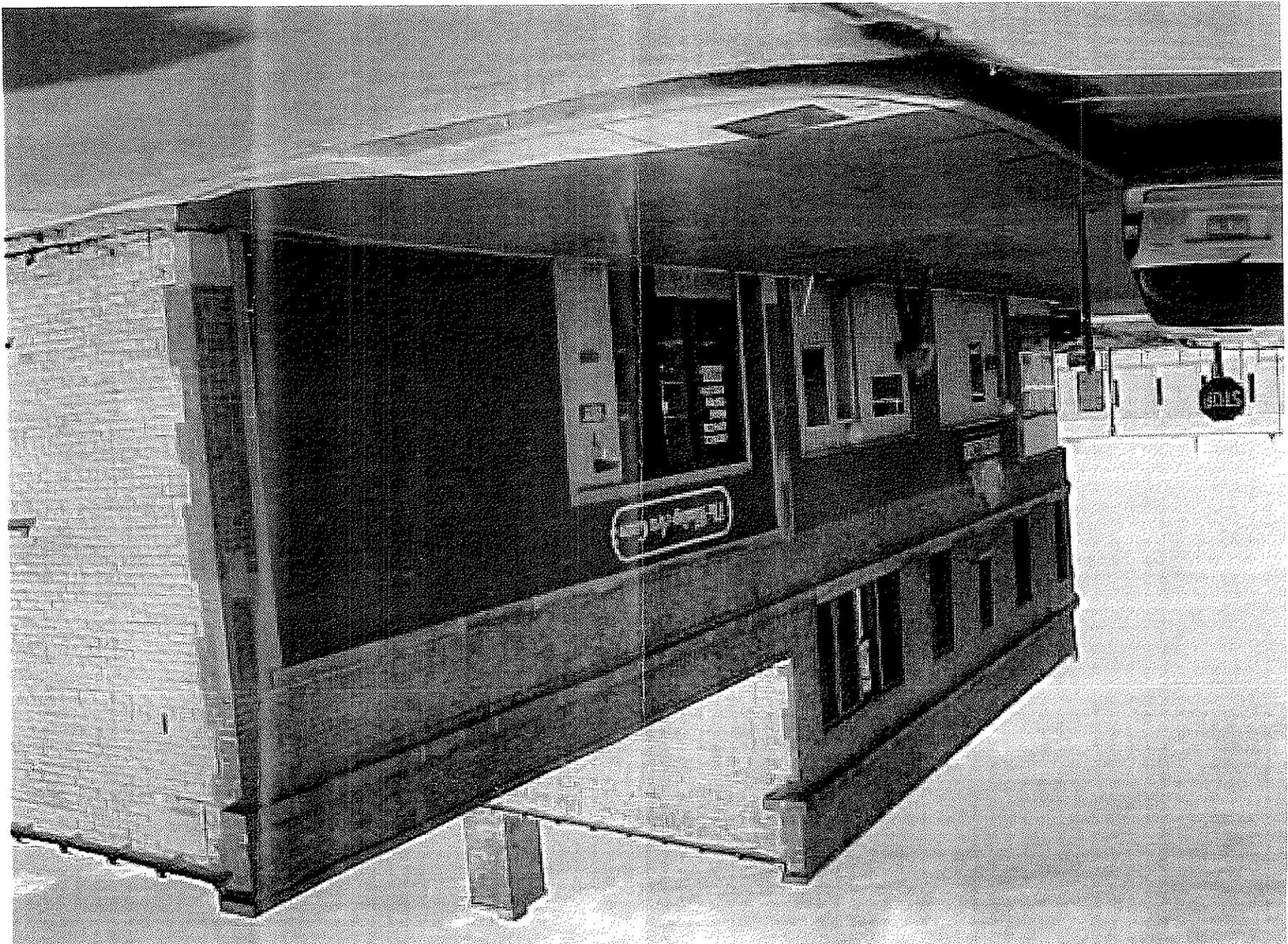
Scale: N.T.S.





4-A.5

4-A-6

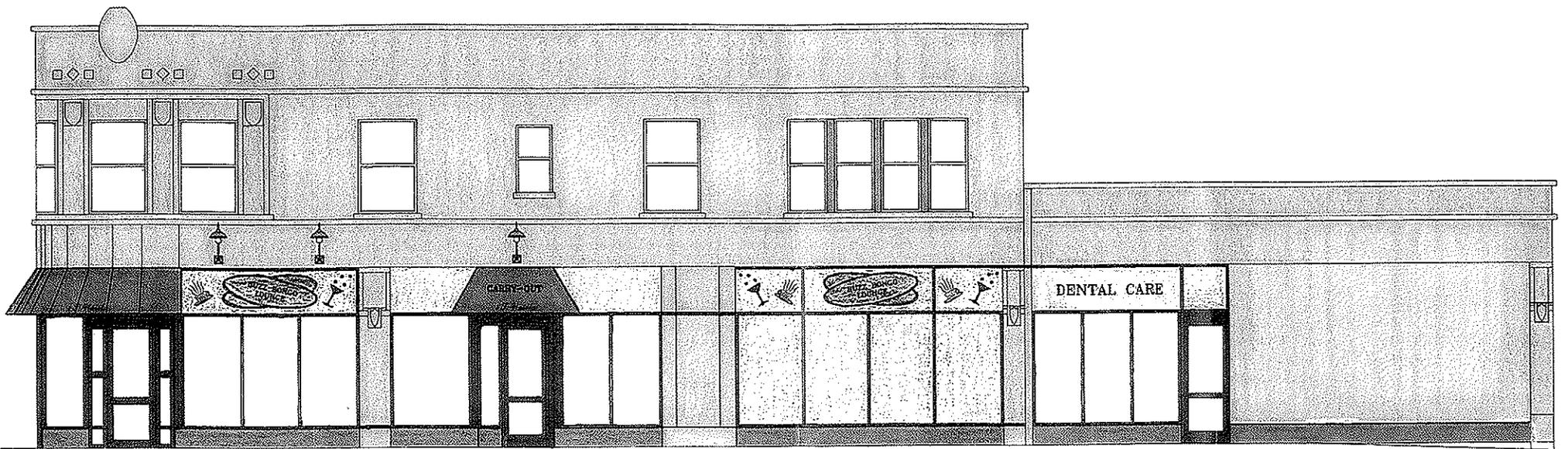




North Side Elevation

Scale: N.T.S.

4-A.7



West Side Elevation

Scale: N.T.S.

4-A-8

## MINUTES

Design Review Commission of the  
Village of La Grange

January 10, 2007

### I. CALL TO ORDER AND ROLL CALL:

A meeting of the Design Review Commission was held on January 10, 2007 in the Village Hall Auditorium, 53 South La Grange Road, La Grange, IL and was convened at 7:36 p.m. by Chairman Andrea Barnish.

Present: (and constituting a quorum): Commissioners Ozer, Andrews, McClinton and Malec with Chairman Andrea Barnish presiding.

Absent: Commissioner Marcisz.

Also Present: Randy King, Architect, on behalf of property Owner Kevin Allodi, and Patrick D. Benjamin, Community Development Director.

### II. APPROVAL OF MINUTES:

On motion by Commissioner Malec second by Commissioner McClinton, the Minutes of the November 8, 2006 Design Review Commission meeting were approved as typed and distributed.

### III. BUSINESS AT HAND:

#### 1. DRP #72 DESIGN REVIEW PERMIT FOR 1 SOUTH WAIOLA, KEVIN ALLODI, PROPERTY OWNER

Randy King, Architect, on behalf of the property owner Kevin Allodi, appeared before the Design Review Commission seeking a Design Review Permit for the property at 1 South Waiola. Mr. King informed the Commissioners that the property in question was previously occupied by Century Blueprint, who has moved to the building next door, and the Healing Arts Center who has moved out. The two vacant spaces will be remodeled creating one space for a new business that will offer breakfast, lunch and dinner with nighttime entertainment. Mr. King stated that the façade of this property would be renovated in a manner that would better fit the proposed new business and at the same time create some energy on that side of town. The renovations involved include, but are not limited to, cleaning, tuckpointing and repairing of the brick and the existing stone banding, installation of new windows, the installation of dark green granite at the base of the store front, new awnings, gooseneck lighting and signage.

4-A-9

Chairperson Barnish asked what the square footage of the newly created space would be. Mr. King stated that the space is approximately 3,100 square feet.

Chairperson Barnish asked what would be done about any brick that could not be repaired and may require replacement. She further questioned how difficult it might be to match new brick with the existing brick. Mr. King stated that he did not anticipate any problem in locating a match for the existing brick, if necessary.

Chairperson Barnish requested that the Ordinance for this case specifically state that in the event any of the brick should require replacement, every attempt will be made to find a match of the existing brick, if not a complimentary color will be presented by the applicant to be reviewed by staff.

There being no further questions or comments by the Commissioners, on motion by Commissioner Andrews and second by Commissioner Ozer the Design Review Commission voted unanimously to recommend that Design Review Permit #72 be approved 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 Malec and second by Commissioner Ozer, the Design Review Commission meeting of January 10, 2007 was adjourned at 8:05 p.m.

Respectfully Submitted:

Sylvia Gonzalez, Staff Liaison

4-A.10

VILLAGE OF LA GRANGE  
Community Development Department

**BOARD REPORT**

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

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

DATE: February 12, 2007

RE: **ORDINANCE - VARIATION - FENCE - FRONT YARD, St. John's Lutheran Church and School, 505 S. Park Road.**

---

St. John's Lutheran Church and School, 505 S. Park Road, has applied for a variation from fence requirements to construct a four (4) ft. high fence in the required front yard. The subject property is located in the I-B Institutional Buildings District. This zoning lot is unique, because the property abuts three streets. By definition, the property abuts Park Road along the front lot line. According to the Zoning Code, fences are not permitted in the required front yard.

In 1990, the Village granted a variation to locate a fence around the existing playground in the yard facing Park Road. In recent years, the school has grown significantly. Due to larger classroom sizes, the school playground no longer meets Federal and State safety guidelines. Currently, classes must be split between playground times. Expansion of the playground would allow entire classrooms to play together on the playground.

In order to preserve the mature shade trees and parking spaces to the south and east, St. John's proposes to extend the boundaries two feet closer to Park Road and fifteen feet to the north. To meet Illinois Department of Children and Family Services' standards, the fence must have a minimum height of four (4) feet. The proposed playground footprint would accommodate future expansion of classrooms.

A building permit could not be issued to construct the fence at the proposed location, because the fence would be located along the front lot line. Subparagraph 14-303E1 (i) of the Zoning Code allows the increase of maximum allowable height and location of any fence by variance. The requested variation falls within the authorized limits of the Zoning Code.

On January 18, 2007, the Zoning Board of Appeals held a public hearing on this matter and voted unanimously to recommend that the variation be granted as requested.

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

4-B

ORDINANCE NO. O-07-

AN ORDINANCE ALLOWING ZONING VARIATION  
OF THE VILLAGE OF LA GRANGE

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

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 \_\_\_\_\_, 2007.

WHEREAS, St. John's Lutheran Church and School, owner of the property commonly known as 505 S. Park Road, La Grange, Illinois, and legally described as follows:

Of Lots 1 thru 6 and 19 thru 23, both inclusive in Krenn & Dato's La Grange Country Club Deluxe Subdivision in the north-east ¼ of Section 8, Township 38 North, Range 12, East of the Third Principal Meridian; Also a tract of land described as follows:

Beginning at a point 33 feet south and 33 feet west of the northeast corner of Section 8, Township 38 North, Range 12, East of the Third Principal Meridian, thence south 80 feet parallel to the east line of said Section 8; thence west 125 feet parallel to north line of said Section 8; thence north 80 feet parallel to the east line of said Section 8; thence east 125 feet to the point of beginning.

has applied for a variation from Subsection 9-105D (Fences) of Chapter 154 of the Village of La Grange Code of Ordinances in order to construct a fence having a height of four (4) ft. located in the front yard on the above referenced property. The Zoning Board of Appeals, as required by law, has conducted a duly noticed public hearing on this matter on January 18, 2007.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LA GRANGE, COUNTY OF COOK, STATE OF ILLINOIS:

SECTION 1: A variation from Subsection 9-105D (Fences) of Chapter 154 of the La Grange Code of Ordinances, solely for the purpose of the construction of a four (4) ft. high fence in the required front yard on the property, be hereby granted to the owner of the above-referenced property in conformance with the application submitted to the Zoning Board of Appeals.

SECTION 2: This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form for review at the La Grange Village Offices and the La Grange Public Library.

4-B.1

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007, pursuant to a roll call vote as follows:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Elizabeth M. Asperger, VILLAGE PRESIDENT

ATTEST:

\_\_\_\_\_  
Robert N. Milne, VILLAGE CLERK

4-B.2

**FINDINGS OF FACT**

ZONING BOARD OF APPEALS  
OF THE  
VILLAGE OF LA GRANGE

President Asperger and  
Board of Trustees

January 18, 2007

RE: **ZONING CASE #554: VARIATION – FENCES LOCATION ON FRONT AND  
CORNER SIDE YARDS, ST. JOHN'S LUTHERAN CHURCH AND SCHOOL,  
505 SOUTH PARK ROAD**

The Zoning Board of Appeals transmits for your consideration its recommendations for a request of zoning variation necessary for the location of a fence on the property at 505 South Park Road.

**I. THE SUBJECT PROPERTY:**

The subject property is an institutional lot with three frontages with approximately 250 feet fronting Park Road, 327 feet fronting Brainard Avenue and 300 feet along 47<sup>th</sup> Street. Based on the Zoning Code definition, the front lot line and yard abut Park Road.

**II. CHARACTERISTICS OF THE SURROUNDING AREA:**

The subject property is located in the I-B Institutional Buildings District.

**III. VARIATIONS SOUGHT:**

The petitioner seeks a variation from Subsection 9-105D (Fences) of the Village of La Grange Zoning Code. At the public hearing the petitioner requested the variance to allow a fence along the front property line. The requested variation falls 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 variation on January 18, 2007, in the La Grange Village Hall Auditorium. Present were Commissioners Nathaniel Pappalardo, Charles Benson, Jr., Bill Holder, Ian Brenson, Kathy Schwappach and Chairperson Ellen Brewin presiding. Also present was Staff Liaison, Angela Mesaros. Testimony was given under oath. No objectors appeared at the hearing and no written objections have been filed to the proposed variation.

4-B.3

Chairperson Brewin swore in Mark Hasenwinkel, 5627 South Catherine, Countryside; Jim Frederickson, 540 South Brainard, La Grange and Allison Burke, 820 South 10<sup>th</sup> Avenue, PTO President, who presented the application:

- Mr. Hasenwinkel stated that St. John's plans to replace the playground that was built 20 years ago in order to meet the safety standards. The footprint of the playground is no longer sufficient with the number of children in the classes. Therefore, the classrooms have to be split between playground times. Mr. Hasenwinkel presented Exhibit "A" Guidelines for Consumers Product Safety Commission.
- St. John's Lutheran Church and School proposes to extend the boundaries in order to keep the big shade trees. They are willing to work with the Village as far as height and the requirement for an open fence at the corner for clear site area.
- Ms. Burke stated that the expanded playground area would allow grades 1<sup>st</sup> through 4<sup>th</sup> and the after school care classrooms to use the playground. At this point only the pre-school classes meet the standards.

Chairperson Brewin solicited questions from the Commissioners:

- Chairperson Brewin asked in what capacity Mr. Hasenwinkel represented the applicant. Answer: He is a member of the Council and the Construction Chairman for the school.
- Commissioner Brenson asked if the current number of students, 196, is the complete capacity of the school. Mr. Hasenwinkel stated that capacity is 250 children.
- Commissioner Brenson further asked if the building has grown. Mr. Hasenwinkel stated it was originally built for 250 students.
- Commissioner Holder asked if the size of the playground expansion would accommodate 250 students. Answer: The standards are based on classroom size not the total number of students.
- Commissioner Holder asked if the expansion will meet future needs. Answer: Yes.
- Commissioner Holder asked about the fence height. Answer: four feet in front six feet on the driveway side.

4-B.4

- Commissioner Holder asked if the fence would extend to the flag pole. Ms. Burke stated that it would be just to the north edge of the window, not to the flag pole. The shrubbery by the sidewalk will need to be removed.
- Chairperson Brewin asked how the DCFS guidelines applied to this situation. Mr. Haskenwinkel stated that State accreditation requires that the playground meet DCFS guidelines. They have not yet applied for DCFS but would like to meet the minimums for the future.
- Commissioner Holder asked if there were any provisions on the previous 1990 variation for the existing fence that stated that the applicant could not apply for another variation. Answer: No.

Chairperson Brewin solicited questions from the audience:

- Jim Frederickson, 540 South Brainard, neighbor and Church member at St. John's, thanked the Village for replacement of the parkway trees that they had lost.
- Cheryl Haugen, 532 South Park Road, stated that her children go to the school and that she supports expanding the playground. She has talked to her neighbors who support it and are not objectionable.

*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:

The subject lot is unique compared to other lots in this zoning district, because it is a corner lot with principal frontage along three streets.

2. Not Self-Created:

The playground and fence currently exist under a previous variation. According to the petitioner, the need to relocate the new fence is based upon the Consumer Product Safety Commission's playground safety guidelines issued in the Handbook for Public Playground Safety.

4-B.5

3. Denied Substantial Rights:

According to the petitioner, without the variation, the school playground would not be in compliance with DCFS licensing, which requires a minimum four feet high fence around specified fall zone areas. Although currently not required to have DCFS licensing, without the variation, Petitioner would not be able to apply for DCFS licensing should that become necessary or desirable.

4. Not Merely Special Privilege:

According to the petitioner the variation is necessary to comply with the minimum State and Federal recommendations on playground safety in order to protect students.

5. Code and Plan Purposes:

St. John's proposes to replace an existing fence with similar material that will be closer to the sidewalk along Park Road in order to obtain additional playground space required by DCFS standards. The petitioner has expressed a willingness to comply with all Village Code standards to assure clear site area between the driveway and the sidewalk.

6. Essential Character of the Area:

The fence currently exists and moving it should not interfere with public welfare or character of the area.

7. No Other Remedy:

St. John's has indicated that the only other option would be to expand the playground to the south and east, which would eliminate existing parking spaces. If parking were displaced, the only available replacement parking would be located on adjacent residential streets, which could potentially interfere with the surrounding neighborhood.

According to DCFS standards and the Consumer Product Safety Commission's guidelines, the fence must have a minimum height of four (4) feet. Zoning Board Commissioners could request that the height of the proposed fence be limited to four feet, which would be most consistent with zoning requirements for corner side yard street fronts (maximum 3.5 feet fence height) that would meet DCFS standards. The petitioner has expressed a willingness to lower the fence height to four feet.

4-B.6

**V. FINDINGS AND RECOMMENDATION:**

- Commissioners stated that the purpose of the fence is to meet playground minimum safety guidelines and standards.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Benson and seconded by Commissioner Holder that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the application submitted with ZBA Case #554.

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

AYE: Pappalardo, Benson, Holder, Brenson, Schwappach and Brewin.  
NAY: None.  
ABSENT: Pierson.

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommended approval to the Village Board of Trustees that variation from Subsection 9-105D (Fences) be granted to allow a fence along the front lot line at 505 South Park Road.

Respectfully submitted:

Zoning Board of Appeals of the  
Village of La Grange

BY: Ellen Brewin  
Ellen Brewin, Chairperson

4-13.7

## STAFF REPORT

**CASE: ZBA #554 - St. John's Lutheran Church and School, 505 S. Park Road - Fence in Front Yard**

### 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.)

In 1990, the petitioner, St. John's Church and School, received a variation to locate a fence around the playground along Park Road. Since 1990, attendance at the school has grown significantly from approximately 56 to 196 students. As a result, the playground no longer meets State standards. St. John's must expand its playground in order to provide a properly sized, safe and secure space that meets IL Department of Children and Family Services (DCFS) licensing standards. In order to preserve existing parking spaces and mature trees, they propose to re-locate the new fence two (2) feet closer to Park Road and 15 feet to the north.

The subject property fronts three streets. The Zoning Code states, "*the shorter lot line separating such lot from the public right-of-way shall be considered the front lot line.*" In this case the front lot line and yard, by definition, abuts Park Road. According to the Zoning Code, "*no fence shall be constructed or maintained in the front yard.*" The proposed fence would be located along Park Road, which is the front lot line. Therefore, a building permit could not be issued for replacement of the fence.

In order to construct a fence along the front lot line, the petitioner seeks a variation from Subsection 9-105D (Fences) of the Zoning Code. Subparagraph 14-303E1 (i) (Authorized Variations) allows the increase of maximum allowable height and location of any fence. The requested variation falls within the authorized limits of the Zoning Code.

### VARIATION STANDARDS

In considering a variation, be guided by the General Standard as outlined in our Zoning Code that "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."

**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.*"

4-B.8

The subject lot is unique compared to other lots in this zoning district, because it is a corner lot with principal frontage along three streets.

**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 playground and fence currently exist under a previous variation. According to the petitioner, the need to relocate the new fence is the result of the consumer product safety commission's playground safety guidelines.

**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."*

According to the petitioner, without the variation, the school playground would not be in compliance with DCFS licensing, which requires a minimum four feet high fence around a larger playground.

**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."*

The variation is necessary to meet State regulations on playground safety.

**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."*

St. John's proposes to replace an existing fence with similar material that will be closer to the sidewalk along Park Road in order to obtain additional playground space required by DCFS standards. The petitioner has expressed a willingness to comply with all Village Code standards to assure clear site area between the driveway and the sidewalk.

4-13-9

**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 fence currently exists and moving it should not interfere with public welfare or character of the area.

**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."*

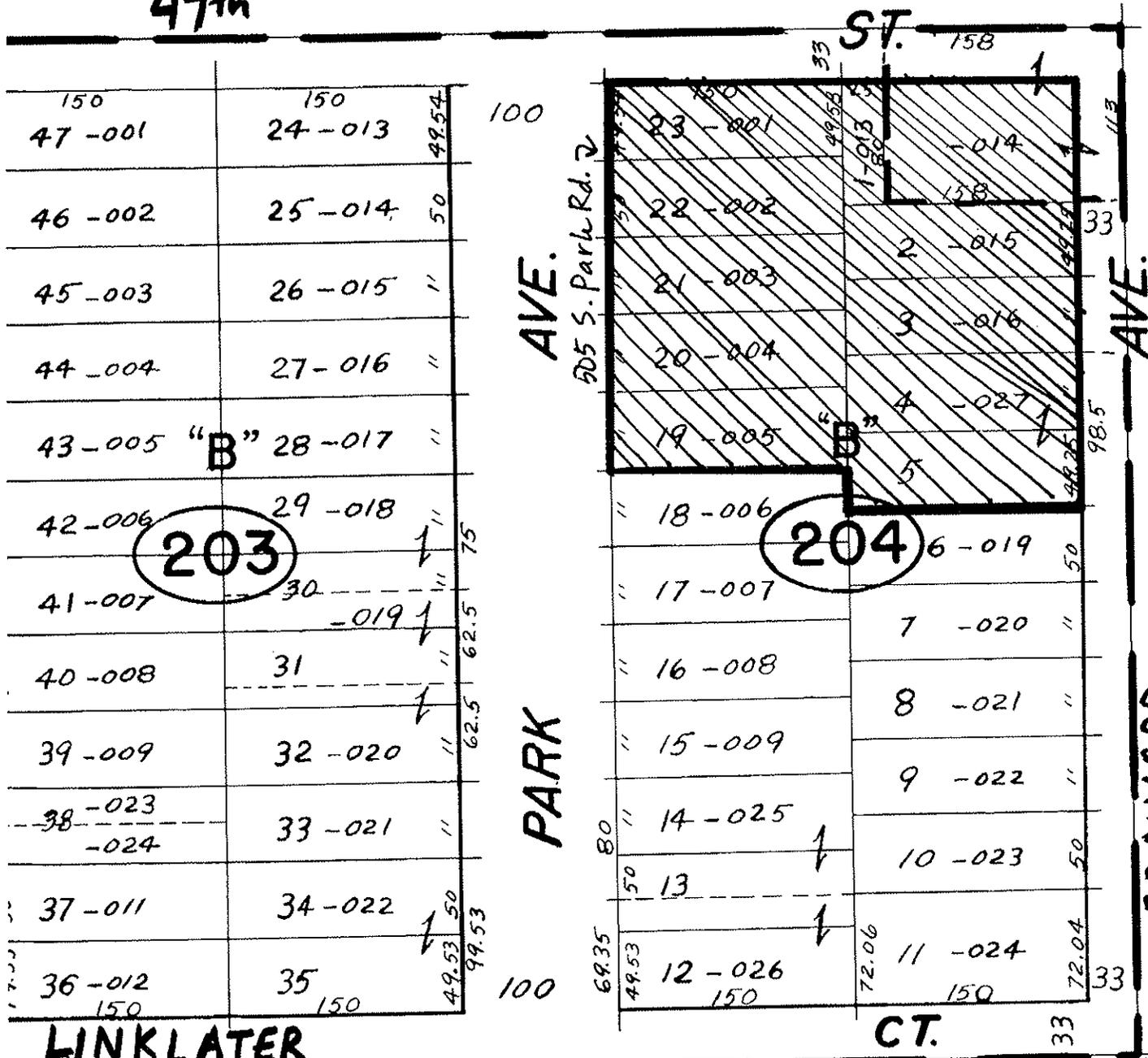
St. John's has indicated that the only other option would be to expand the playground to the south and east, which would eliminate existing parking spaces. If parking were displaced, the only available replacement parking would be located on adjacent residential streets, which could potentially interfere with the surrounding neighborhood.

According to DCFS standards, the fence must have a minimum height of four (4) feet. Zoning Board Commissioners could request that the height of the proposed fence be limited to four feet, which would be consistent with zoning requirements for corner side yard street fronts (maximum 3.5 feet fence height). The petitioner has expressed a willingness to lower the fence height to four feet.

4-B.10



47th



E. C. C.  
the W. 3  
Sec. 8-3

KRENN  
DELUXE  
N. E. 1,  
of the W  
Rec. Jc

O'BRIEN  
Lot 54  
La Grange  
(see "  
Rec. 0

203

204

La Grange Country Club



4-B.12

.9947A.

**APPLICATION FOR ZONING VARIATION**

Application # 554  
Date Filed: 12/21/06  
UARCO # 82439

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

(please type or print)

Application is hereby made by St. John's Lutheran Church & School

Address: 505 S Park Avenue Phone: 708-354-1690

Owner of property located at: 505 S Park Avenue <sup>Road</sup> La Grange, IL

Permanent Real Estate Index No: 18-08-204-002

Present Zoning Classification: I-B Institutional Bldgs Present Use: Church & school

Ordinance Provision for Variation from Article # 9105 of Zoning Ordinance, to wit:

Fence and Front Set back

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

15 Feet

B. **The purpose therefor,** to create a safe, adequately sized school playground for school children and replace existing wooden fence and replace with similar 4 foot fence on side walk & 6 foot fence on drive.

C. **The specific feature(s)** of the proposed use, construction, or development that require a variation: Fence construction to be moved 2 feet towards Park Avenue and 15 feet north towards 47th Street. (See Playground Plan)

4-B, 13

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: the need to provide a properly sized, safe playground per DCFS licensing standards, without reducing the size of parking lot and saving the mature trees.

b. A reasonable return or use of your property is not possible under the existing regulations, because: it would force the reduction of the number of parking spaces available

c. Your situation is unique (not applicable to other properties within that zoning district or area) in the following respect(s): because we are a landlocked school since

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.

Because the current playground configuration is allowed under existing ordinance and the rest of the property is unavailable for use. In order to meet current licensing the expansion is required

4-B.14

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

As a result of the Consumer Product Safety Commission's Playground Safety Guidelines; more space is required to protect the children. DEFS mandated minimal guidelines are required.

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.

We will not be in compliance with future licensing and the current equipment is out of compliance.

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.

This variance is needed to meet current regulations on playground safety. There is no economic benefit.

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.

The current fence will be replaced with similar material. However, it will simply be closer to the drive and sidewalk to obtain the additional space as needed by guidelines and standards.

4-13-15

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
- (e) Would unduly tax public utilities and facilities in the area; or
- (f) Would endanger the public health or safety.

None of the above.

---

---

---

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.

Our only other venue is to lose parking spaces thus forcing parking on nearby residential streets.

---

---

\*\*\*

**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);

H-B.16



Approximate Current Fence line in Red  
 Proposed New fence line in Blue

818-118-1110

INSTRUMENT OF SERVICE  
 THIS PLAN MAY NOT BE  
 USED WITHOUT WRITTEN  
 CONSENT FROM  
 GROUNDS FOR PLAY, INC.  
 Copyright 2008 Grounds For Play, Inc.

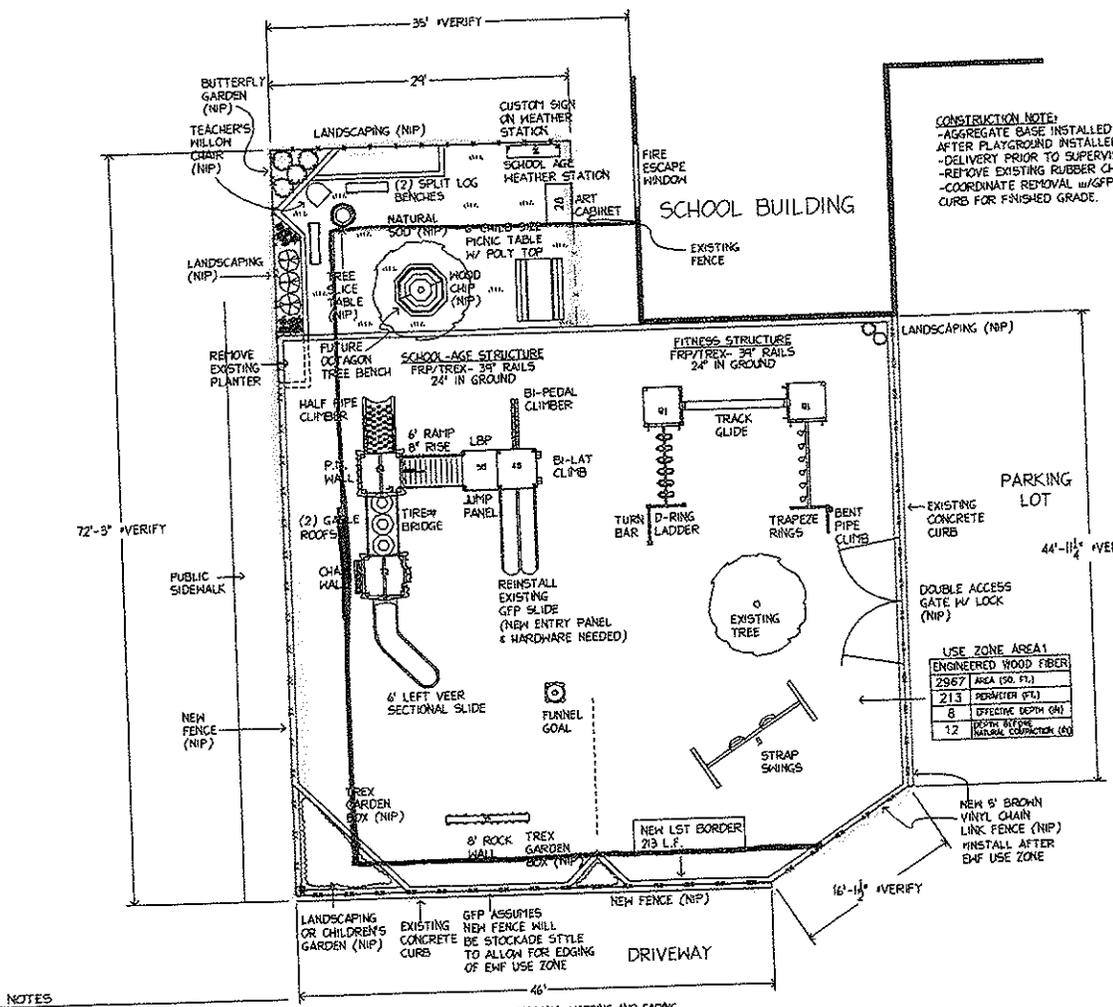
Lat. E. Davis St.  
 Lombard, IL 60148  
 1-800-371-3440  
 Fax: (815) 477-1110

Grounds  
 for  
 Play

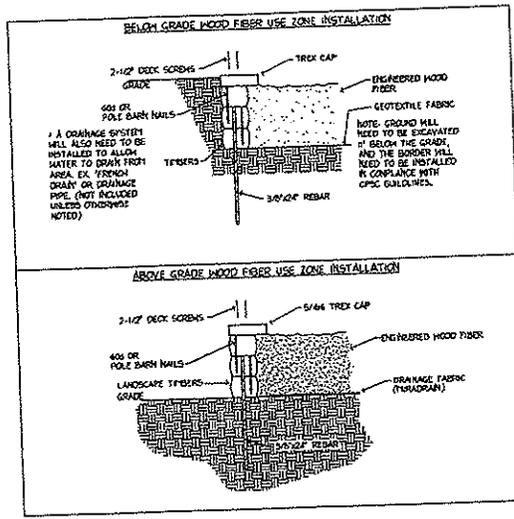
Revisions	By
DATE:	CK
3-1-08	CK
9-1-08	CK
12-8-08	CK
12-12-08	CK

Design Completed: South "B"-0"  
 Sora Kreibitz  
 Proposal: P58886-2005  
 Date: 2/27/05  
 Name: St. John's Lutheran School  
 Project: St. John's Lutheran School  
 12-12-2008

ST. JOHN'S LUTHERAN SCHOOL  
 La Grange, IL 60525  
 PLAYGROUND PLAN



CONSTRUCTION NOTE:  
 -AGGREGATE BASE INSTALLED AFTER PLAYGROUND INSTALLED  
 -DELIVERY PRIOR TO SUPERVISED DAY  
 -REMOVE EXISTING RUBBER CHIP & EARTH TO 6" BELOW GRADE (BY CUSTOMER)  
 -COORDINATE REMOVAL w/ GPP. MAY BUILD UP TO CURB FOR FINISHED GRADE.



- NOTES
- SPLIT LOG BENCHES ARE A NATURAL MATERIAL PRODUCT AND ARE SUBJECT TO GRAIN SPLITS, CHECKING, WARPING AND FADING
  - FIELD DRAINS MAY BE REQUIRED IN EXCAVATED AREAS, DEPENDING ON SLOPE AND SOIL CONDITIONS.
  - PLAN ASSUMES THERE IS ONLY MINIMAL SLOPE (LESS THAN 3%), UNLESS OTHERWISE INDICATED ON PLAN, IF THE SLOPE IS GREATER THAN 3%, THE CLIENT MUST ADJUST GRADE TO CORRECT SLOPE PRIOR TO THE INSTALLATION. GROUNDS FOR PLAY CAN PROVIDE A QUOTE FOR ADDITIONAL GRADING IF NEEDED.
  - THIS IS A CONCEPTUAL DESIGN AND SHOULD NOT BE CONSIDERED A CONSTRUCTION DOCUMENT FOR USE BY ANYONE OTHER THAN A GROUNDS FOR PLAY CERTIFIED INSTALLER, AND IS INTENDED ONLY TO BE A GUIDE FOR PLACEMENT. NO INVESTIGATION HAS BEEN MADE FOR SUB-SURFACE CONDITIONS RELATED TO UTILITIES OR PERCOLATION/DRAINAGE OF WATER, OR TO EASEMENTS, ZONING REQUIREMENTS, OR OTHER ISSUES REQUIRED BY CUSTOMER OR GOVERNMENT ENTITY. THE DESIGN WAS PREPARED WITHOUT ANY SURVEYS OR ENGINEERING DOCUMENTS AND ASSUMES AREAS FOR EQUIPMENT SLOPE 2% OR LESS. CUSTOMERS WHO ELECT TO INSTALL PLAYGROUND COMPONENTS WITHOUT THE SUPERVISION OR DIRECTION OF A CERTIFIED GROUNDS FOR PLAY INSTALLER ACCEPT ALL RESPONSIBILITY FOR IMPLEMENTATION OF THE DESIGN CONCEPT.
- THIS DESIGN IS COPYRIGHTED MATERIAL AND MAY NOT BE USED WITHOUT THE WRITTEN CONSENT OF GROUNDS FOR PLAY, INC.



VILLAGE OF LA GRANGE  
Public Works Department

**BOARD REPORT**

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

FROM: Robert Pilipiszyn, Village Manager  
Ken Watkins, Director of Public Works

DATE: February 12, 2007

RE: **PROFESSIONAL SERVICES AGREEMENT – EVALUATION OF  
VILLAGE HALL HVAC SYSTEM**

---

The Village's Equipment Replacement Fund (ERF) has earmarked \$310,000 for the replacement of the heating/air conditioning (HVAC) system at the Village Hall in FY 2007-08. The current system is not energy efficient, has difficulty in maintaining uniform climate control and is beyond its useful life expectancy. Although we can easily identify the deficiencies in the system, we recommend that the Village engage the professional services of a mechanical engineer to evaluate our system and define the scope of work. The results of that analysis would then provide the basis for a second phase of services which would be to assist us with the design, procurement, and installation process.

Attached for your consideration is a proposal for professional services from Berg Engineering of Schaumburg, Illinois as they relate to the HVAC system at the Village Hall. Berg Engineering is a well known and reputable engineering firm. They also have experience with public sector clients, including municipal governments and school districts. They most recently completed work for Lyons Township High School District 204 involving the new fieldhouse and pool at the South Campus. A check of references provided us with favorable opinions of the firm. Berg Engineering proposes to inspect the mechanical systems at the Village Hall and make recommendations based on their findings, taking into consideration the historical nature of the building. This agreement does not provide for any design or mechanical drawings. Berg Engineering proposes to complete this work in an amount not to exceed \$4,800. We have reviewed the proposal and find it to be in order with our project expectations. There are sufficient funds available in the FY 2006-07 Capital Projects Fund / Miscellaneous Engineering line item for this project.

We recommend that the professional services agreement to evaluate the Village Hall HVAC system as submitted by Berg Engineering of Schaumburg, Illinois in an amount not to exceed \$4,800 be approved.



Brian M. Berg, Jr., P.E., LEED® A.P.  
Daniel J. Brown, P.E.  
Charles A. Easley, A.I.A.  
Mark J. Goedjen, P.E.

December 16, 2006

Ms. Chris Dosselman  
La Grange Department of Public Works  
53 South La Grange Road  
La Grange, IL 60525

Re: Review of the Mechanical Systems of the Village Hall  
BBA# None

Dear Ms. Dosselman:

We would be pleased to provide professional engineering services for a cursory walk through review and cursory document review of the mechanical systems of the Village Hall. This will be done to assist you in a Master Plan Study of the facility to determine feasibility of replacing the mechanical systems.

Our report will define the mechanical systems and major components, and make a statement as to their continued use and their capacity for expansion. We will review the general condition and arrangement of the building and suggest mechanical systems that might be able to be engineered and installed given the existing conditions. Our proposed systems replacements will endeavor to reflect the historical nature of the building. We may suggest building remodeling and/or reconfiguration that might be required in order to replace the mechanical systems.

Our personnel will not go into any crawl spaces or attics. This study does not include preparation of any mechanical drawings.

Attached to this letter are resumes of the principal personnel proposed for this project. Also attached are lists of similar projects for your review.

We propose to complete this work on a time and material basis. We estimate that the review might cost as much as \$4,800.00.

Services will be billed on an hourly basis according to the following table:

Sr. Principal	\$150.00
Principal	\$135.00
Sr. Engineer	\$115.00
Engineer	\$105.00
Engineer-In-Training	\$85.00
Sr. Designer	\$95.00
Designer	\$75.00
Sr. Draftsman	\$65.00
Clerical	\$55.00

4-C-1

berg engineering consultants, ltd.

Ms. Dosselman  
Re: Review of the Mechanical Systems of the Village Hall  
BBA# None

Page 2 of 2

December 16, 2006

Expenses such as printing, special delivery, etc. will be billed at cost plus 10%.

It is understood and agreed that this contract does not contemplate handling of, or design including use of, asbestos or any hazardous waste material. Therefore, nothing in this agreement shall impose liability on this Engineer for claims, lawsuits, expenses or damages arising from, or in any manner relating to, the exposure to, or the handling, manufacture or disposal of, asbestos, asbestos products, or any hazardous waste materials.

This Engineer shall not be responsible for schedule delay caused by circumstances beyond its reasonable control or actions which are required in the exercise of usual and customary professional care. This Engineer shall not be liable for damages arising out of any such delay, not deemed to be in default of this Agreement as a result thereof.

If the services covered by this Agreement have not been completed within twelve (12) months of the date hereof, the aforementioned compensation and rates will be renegotiated to reflect our cost escalation.

If the above conditions are satisfactory you may issue a purchase order for this work.

If you have any questions, please call.

Very truly yours,  
Berg Engineering Consultants, Ltd.

Brian M. Berg, Jr., P.E., LEED® A.P.  
Principal

BBJ/bbj  
I:\doc\proposals\lagrangevh.doc

4-C.2

**berg engineering consultants, ltd.**

Berg Engineering Consultants, Ltd. was founded in 1969 with the goal of providing architects and owners with innovative, affordable solutions to their building systems needs while maintaining high standards of professional competence and ethics. We are committed to your project, schedule, budget and goals.

We believe meeting your goals begins with a qualified staff. Our firm includes registered professional engineers, graduate engineers, designers, and clerical support staff experienced in all types of facilities.

Berg Engineering Consultants, Ltd. is committed to a continuing long term relationship with the Architect and Building Owner.

A single principal in charge provides for on-going service to the Architect and Owner, familiar with their goals, needs and facilities.

The principal is the lead engineering team member throughout the project from planning through construction and post construction follow-up. The engineering design team is also assigned to the project and available throughout the project.

Berg Engineering Consultants, Ltd. is a representative of the owner committed to their best interests and experienced in their needs.

A broad base knowledge of commercial, educational, healthcare and industrial facility solutions is available to draw upon. Systems selection and designs are made to meet the owner's needs.

4-C.3

berg engineering consultants, ltd.

**ASHRAE AWARDS**

(American Society of Heating, Refrigerating and Air Conditioning Engineers)

**NATIONAL**

Hollister Incorporated, Libertyville, Illinois  
Corporate Research and Development  
200,000 sq. ft.

**REGIONAL**

Hollister, Incorporated, Libertyville, Illinois  
Teradyne Central, Deerfield, Illinois  
Corporate Research and Development Headquarters  
64,000 sq. ft.

**ILLINOIS CHAPTER**

Hinsdale Township High School District 86  
Equipment Replacement and Air Conditioning  
Hinsdale, Illinois

Hewitt Associates  
Four Overlook Point  
Office and Data Center  
900,000 sq. ft.

Lincoln-Way East High School  
Co-Generation and Electric Heat Conversion  
Frankfort, IL

Hollister, Incorporated, Libertyville, Illinois

Teradyne Central, Deerfield, Illinois

Hewitt Associates (98 Building)  
Corporate Computer Center  
140,000 sq. ft.

Building 222 Argonne National Laboratories, Illinois  
Central Electronics, Photographics and Measurement Laboratories  
65,000 sq. ft.

4-C.4

**berg engineering consultants, ltd.**

**FIRM REFERENCES**

Mr. Thomas Heuer (708) 492-1000  
Heuer & Associates  
2315 Enterprise Drive, Suite 102  
Westchester, IL 60154

Mr. Dwain Lutzow (630) 230-0420  
Dahlquist & Lutzow Architects  
15 Salt Creek Ln.  
Suite 400  
Hinsdale, IL 60521

Mr. Tim Wightman (630)856-8308  
Hinsdale Hospital  
120 N. Oak Street  
Hinsdale, IL 60521

**REPRESENTATIVE PROJECTS**

Lyons Township High School - Field House and Swimming Pool Additions

La Grange School District 105 - Various remodeling

Village of Schaumburg Public Works and Fire Station Addition (Under Construction)

Visitation Parish Church & School Mechanical Electrical Systems Review Elmhurst, IL

Naperville Public Works Facility (Under Construction)

Hinsdale Hospital – Various remodeling since mid 1980's

4-C.5

**berg engineering consultants, ltd.**

BRIAN M. BERG, P. E. - CHAIRMAN OF THE BOARD

#### EDUCATION

BSME University of Illinois 1961

MSME University of Illinois 1962

#### PROFESSIONAL REGISTRATIONS

Illinois Professional Engineer

Indiana Professional Engineer

Michigan Professional Engineer

Minnesota Professional Engineer

Missouri Professional Engineer

California Professional Engineer

#### EXPERIENCE

Founded Brian Berg & Associates, Ltd. March 1, 1969. Provides trouble diagnosis and problem solving for select clients and projects. Mr. Berg's experience dates back to his part time status working summers in the sheetmetal construction trade during high school and college. Upon graduation he began his career working for Carroll Henneman Consulting Engineers in Urbana, IL. In 1966, Mr. Berg joined the firm of A.M. Kinney, Inc. of Chicago and was Deputy Director of Mechanical Engineering when he joined the firm of Klauens & Associates as Executive Vice President in 1968. Mr. Berg has designed mechanical systems for negative pressure containment clean room facilities for DNA research and vaccine production, low humidity coolers for blood product production, low humidity facilities for tablet production, surgical replacement facilities, open heart surgical facilities, schools, laboratories, and industrial plants. Mr. Berg has consulted on condensation problems within and on building materials for hospitals, hotels, office buildings, and swimming pools. He has also consulted on projects involving piping systems failures and system defects. Mr. Berg has testified as an expert witness on several occasions during the past 20 years.

#### PROFESSIONAL ORGANIZATIONS

American Society of Heating, Refrigerating, and Air Conditioning Engineers

4-C.6

berg engineering consultants, ltd.

BRIAN M. BERG, JR., P. E., LEED® A.P. - PRINCIPAL

## EDUCATION

BSME Illinois Institute of Technology 1987

## PROFESSIONAL REGISTRATION

Illinois Professional Engineer  
Wisconsin Professional Engineer

## EXPERIENCE

From 1980 to 1987 Mr. Berg worked part time as a draftsman and designer while going to school. After graduation from college in 1987 he worked as a project engineer. In 1992 when he earned his professional engineers license he headed up the first Lincoln-Way project which eventually won an Excellence in Engineering award from ASHRAE. In January of 1999 Brian vested himself into Brian Berg & Associates, Ltd. as an equity Owner. He is a member of the executive committee.

Project design experience:

1. Westfield K-8 New School.
2. Lyons South High School Field House and Swimming Pool Additions.
3. Alexian Brothers Medical Center Linear Accelerator.
4. Alexian Brothers Medical Center Special Procedures.
5. Open MRI for Resurrection Healthcare.
6. Lincoln-Way Community High School 1993 and 1998 Additions.
7. Hinsdale Central High School Library Addition.
8. Oakbrook Bancshares 100,000 sq. ft. Office Building.
9. American Society of Anesthesiologists Headquarters Building.
10. Marriott Hotel Schaumburg Fan Coil Unit Replacement.

## PROFESSIONAL ORGANIZATIONS

LEED® Accredited Professional  
American Society of Heating, Refrigerating, and Air Conditioning Engineers  
American Society of Healthcare Engineering  
American Society of Plumbing Engineers  
National Society of Professional Engineers  
Illinois Society of Professional Engineers  
National Fire Protection Association  
Member by Invitation - Service Associate of the Illinois Association of School Boards.  
School Service Member of the Illinois Association of School Administrators  
Service Associate of the Illinois Association of School Business Officials

## PROFESSIONAL RECOGNITION

Authored the cover article to the August 1996 issue of Heating/Piping/Air Conditioning Magazine titled Gas Heat Conversion and Cogeneration Save High School Money.  
Authored the article to the July 1997 issue of Heating/Piping/Air Conditioning Magazine titled Fast Track School Construction.

4-C.7

**berg engineering consultants, ltd.**

MARK J. GOEDJEN, P. E. - PRINCIPAL

#### EDUCATION

BSME University of Wisconsin, Madison 1982

#### PROFESSIONAL REGISTRATION

Illinois Professional Engineer

#### EXPERIENCE

Mark joined Brian Berg & Associates, Ltd. in the spring of 1982. In January of 1999 Mark vested himself into Brian Berg & Associates, Ltd. as an equity Owner. He is a member of the executive committee. Daily responsibilities include client coordination, project design, and supervision of document production, shop drawing review and construction observation. His duties include general technical review of all projects as well as his own assignments. His background includes highly technical difficult projects for healthcare clients, pharmaceutical clients and industrial clients.

Project design experience:

1. West Chicago High School Addition and Infrastructure Improvements.
2. Lockport East High School Additions & Remodeling
3. Palos Community Hospital Air Handler replacement.
4. Palos Community Hospital 1000 Ton Non-CFC chiller replacement.
5. U O P Continuous Process Laboratory.
6. Schaumburg Public Works & Fire Station #5.
7. Niles West High School Laboratory Addition.
8. Hinsdale Hospital Emergency Department Addition and Renovation.
9. Hinsdale Hospital Radiology Department Remodeling.
10. Hollister, Inc. Plant Facilities Addition/Stuarts Draft, Virginia.
11. Evanston Northwestern Healthcare Medical Office Building.
12. Highland Park Hospital 4N Patient Floor Renovation.

#### PROFESSIONAL ORGANIZATIONS

American Society of Heating Refrigerating and Air Conditioning Engineers  
American Society of Healthcare Engineering  
Hospital Engineers Society of Northern Illinois  
National Society of Professional Engineers  
Illinois Society of Professional Engineers

4-c.8

berg engineering consultants, ltd.

DANIEL J. BROWN, P. E. - PRINCIPAL

#### EDUCATION

BSAE Milwaukee School of Engineering 1983

#### PROFESSIONAL REGISTRATIONS

Illinois Professional Engineer  
Wisconsin Professional Engineer

#### EXPERIENCE

Dan joined Brian Berg & Associates, Ltd. in September of 1989 as a Project Engineer. In January of 1999 Dan vested himself into Brian Berg & Associates, Ltd. as an equity Owner. He is a member of the executive committee. Daily responsibilities include client coordination, project design, supervision of project document production, shop drawing review and observation of construction.

Project design experience:

1. Alexian Brothers East Pavilion OB Department and Outpatient Services.
2. Hewitt Associates Corporate Headquarters and Data Center.
3. Hinsdale Hospital Rooney Heart Suite, CCU, OB and Clinical Psychology.
4. Grayslake Community High School Classroom and Auditorium Addition.
5. Harry D. Jacobs High School Classroom Addition.
6. Bartlett Library Addition and Remodeling.
7. Roselle Library Addition and Remodeling.
8. Atwood Mobile Products Inc. Facility Renovation.
9. Prairie Lakes Community Center in Des Plaines.
10. DuPage County Health Department Building Addition.
11. Niles High School Field House Addition.
12. Mokena Junior High School
13. Rockford Cardiology Associates Medical Office Building.

#### PROFESSIONAL ORGANIZATIONS

American Society of Heating, Refrigerating, and Air Conditioning Engineers  
American Society of Healthcare Engineering  
National Society of Professional Engineers  
Illinois Society of Professional Engineers  
Hospital Engineers Society of Northern Illinois

4-c.9

VILLAGE OF LA GRANGE  
Public Works Department

**BOARD REPORT**

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

FROM: Robert Pilipiszyn, Village Manager  
Ken Watkins, Director of Public Works

DATE: February 12, 2007

RE: **PROFESSIONAL SERVICES AGREEMENT – EVALUATION OF  
FIRE DEPARTMENT HVAC SYSTEM**

---

We are experiencing several on-going maintenance issues involving the 17-year old heating/air conditioning (HVAC) system at the Fire Department. The controller system is out of date and must be replaced. In addition, we believe inadequate duct work is causing uneven air flow and inefficient air conditioning in the bunk room. Rather than mistakenly spend funds to correct issues we suspect, we recommend that the Village engage the professional services of a mechanical engineer to evaluate the Fire Department HVAC system prior to conducting any further maintenance.

Attached for your consideration is a proposal for professional services from Berg Engineering of Schaumburg, Illinois as they relate to the HVAC system at the Fire Department. Berg Engineering is a well known and reputable engineering firm. They also have experience with public sector clients, including municipal governments and school districts. They most recently completed work for Lyons Township High School District 204 involving the new fieldhouse and pool at the South campus. A check of references provided us with favorable opinions of the firm. Berg Engineering proposes to inspect the mechanical system at the Fire Department and make recommendations for maintenance and/or replacement of the system based upon their findings. This agreement does not provide for any design or mechanical drawings. Berg Engineering proposes to complete this work in an amount not to exceed \$5,200. We have reviewed the proposal and find it to be in order with our project expectations. There are funds available in the FY 2006-07 Capital Projects Fund / Miscellaneous Engineering line item for this project.

We also requested Berg Engineering to inspect the emergency generator at the Police Department for its potential use at the Village Hall. Because they project the actual inspection and preparation of the report will take less than 4 hours, they have included this cost in the HVAC fee proposal.

We recommend that the professional services agreement to evaluate the HVAC system at the Fire Department as submitted by Berg Engineering of Schaumburg, Illinois in an amount not to exceed \$5,200 be approved.

4-D



mechanical 801 West Wise Road, Schaumburg, IL 60193  
electrical 847-352-4500 Tel  
plumbing 847-352-4815 Fax  
fire protection www.berg-eng.com

Brian M. Berg, Jr., P.E., LEED® A.P.  
Daniel J. Brown, P.E.  
Charles A. Easley, A.I.A.  
Mark J. Goedjen, P.E.

January 24, 2007

Ms. Chris Dosselman  
La Grange Department of Public Works  
53 South La Grange Road  
La Grange, IL 60525

Re: Review of the Mechanical Systems of the Fire Station  
BBA# None

Dear Ms. Dosselman:

We would be pleased to provide professional engineering services for a cursory walk through review and cursory document review of the mechanical systems of the Fire Station. This will be done to assist you in a Master Plan Study of the facility to determine feasibility of replacing the mechanical systems.

Our report will define the mechanical systems and major components, and make a statement as to their continued use and their capacity for expansion. We will review the general condition and arrangement of the building and suggest mechanical systems that might be able to be engineered and installed given the existing conditions. Our proposed systems replacements will endeavor to reflect the historical nature of the building. We may suggest building remodeling and/or reconfiguration that might be required in order to replace the mechanical systems.

Our personnel will not go into any crawl spaces or attics. This study does not include preparation of any mechanical drawings.

We propose to complete this work on a time and material basis. We estimate that the review might cost as much as \$5,200.00.

Services will be billed on an hourly basis according to the following table:

Sr. Principal	\$150.00
Principal	\$135.00
Sr. Engineer	\$115.00
Engineer	\$105.00
Engineer-In-Training	\$85.00
Sr. Designer	\$95.00
Designer	\$75.00
Sr. Draftsman	\$65.00
Clerical	\$55.00

Expenses such as printing, special delivery, etc. will be billed at cost plus 10%.

4-D.1

berg engineering consultants, ltd.

Ms. Dosselman  
Re: Review of the Mechanical Systems of the Fire Station  
BBA# None

Page 2 of 2

January 24, 2007

It is understood and agreed that this contract does not contemplate handling of, or design including use of, asbestos or any hazardous waste material. Therefore, nothing in this agreement shall impose liability on this Engineer for claims, lawsuits, expenses or damages arising from, or in any manner relating to, the exposure to, or the handling, manufacture or disposal of, asbestos, asbestos products, or any hazardous waste materials.

This Engineer shall not be responsible for schedule delay caused by circumstances beyond its reasonable control or actions which are required in the exercise of usual and customary professional care. This Engineer shall not be liable for damages arising out of any such delay, not deemed to be in default of this Agreement as a result thereof.

If the services covered by this Agreement have not been completed within twelve (12) months of the date hereof, the aforementioned compensation and rates will be renegotiated to reflect our cost escalation.

If the above conditions are satisfactory you may issue a purchase order for this work.

If you have any questions, please call.

Very truly yours,  
Berg Engineering Consultants, Ltd.

Brian M. Berg, Jr., P.E., LEED® A.P.  
Principal

BBJ/bbj  
I:\doc\proposals\lagrangefire.doc

4-D.2

VILLAGE OF LA GRANGE  
Public Works Department

**BOARD REPORT**

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

FROM: Robert Pilipiszyn, Village Manager  
Ken Watkins, Director of Public Works

DATE: February 12, 2007

RE: **ENGINEERING SERVICES AGREEMENT –  
WATER UTILITY AND SEWER UTILITY ATLASES**

---

The Fiscal Year 2006-07 Village budget provides funds for the production of new atlases for the Village's water utility and sewer utility systems. Our existing water and sewer atlases are over 20 years old. Because of the Village's aggressive Capital Projects Program, we were able to collect sewer and water infrastructure data as each neighborhood street project was constructed. The data includes the location of underground utilities; size and capacity of sewer and water mains; location of hydrants, valves, manholes, etc. Ultimately, this information will become part of a Village-wide geographic information system.

Attached for your consideration is an engineering services agreement from our Village Engineer, Heuer and Associates. Mr. Heuer proposes to compile all available sewer and water data system information into an electronic format, using industry standard computer-aided design drawing technology. While a separate atlas will be prepared for each utility, the final product will be integrated to layer utility system data for replacement, maintenance and planning purposes. Mr. Heuer proposes to complete this work in an amount not to exceed \$20,000. We have reviewed the proposal and find it to be in order with our project expectations. There are sufficient funds available as we have allocated \$10,000 in the Sewer Fund and \$10,000 in the Water Fund to complete this project. We anticipate a May 2007 completion date.

We recommend that the engineering services agreement to produce two separate electronic atlases of the Village's water and sewer utility systems as submitted by Heuer and Associates in an amount not to exceed \$20,000 be approved.

# ENGINEERING SERVICES AGREEMENT

## Sewer and Water Utility System Mapping

---

This Agreement between the VILLAGE OF LAGRANGE, hereinafter called the "CLIENT", and HEUER AND ASSOCIATES, P.C., hereinafter called the "ENGINEER", has been prepared and executed to provide the services required for the preparation of a mapped record of water and sewer utility system facilities for the Village of LaGrange. Included in this Agreement are provisions which establish the nature and extent of services rendered, the estimated cost for these services, the basis upon which compensation will be determined, and the guidelines by which this Agreement will be administered.

### A. SCOPE OF SERVICES

The critical need for up-to-date map records of public sewer and water main infrastructure has been revealed on many occasions, as the planning and execution of public works maintenance and improvement projects, has been hampered by the availability of accurate and current records of the constructed facilities. Records of sewer and water infrastructure were originally documented at the beginning of the twentieth century using penned ink on a linen media based drafting technology that was the standard of that period. Following its initial development, updates to this manually crafted record became sporadic, due largely to the limitations of time, budget, and priority.

As a result, the day to day operation of public works administration came to rely largely on the memory of key individuals rather than written or printed record. Even though this system was at times augmented by a collection of printed paper construction drawings obtained as the infrastructure systems were modified or extended, a reliable and reasonably accurate record remained elusive. Over time, given the limitations of memory, the periodic departure of personnel, the decay or loss of old printed plan records, and the lack of a secure storage system for such printed materials, the integrity of the municipal infrastructure records became fragmented, such that it is now incomplete and somewhat inaccurate.

Recognizing the seriousness of this situation, it was determined that a concerted effort must be made to compile the available records and memories before further degradation of these resources occurred. Simply updating the manually prepared maps was no longer feasible given the poor state of the resource material, and the limitations and obsolescence of the manual drafting craft. In the last decade of the twentieth century, computer-aided drafting and design technology replaced manual drafting, requiring that all printed map records be transferred into an electronic format for future maintenance. Critically, the capabilities offered by this technology has led to a new perspective on the purpose and functionality of mapping records, and higher expectations on the part of public works administration, and ultimately the public. With the evolution of internet communications, the demand for access to mapping resources necessitates a more comprehensive approach. In this regard, the Mapping Resource Project has been developed as the structure under which the sewer and water system atlas records serve as an integrated component.

Given the preceding, the scope of this Agreement provides for the compilation of the available sewer and water system information into an electronic format, using industry standard computer-aided design drawing technology. The work involved in this effort builds on the larger effort that is being undertaken to prepare for the compilation of other records of municipal infrastructure, a process that is being encompassed by the more comprehensive Mapping Resource Project.

4-E.1

The technical services involved in the compilation of the sewer and water system atlas records will consist of three work tasks as defined in the following.

**TASK 1: Develop Map Framework**

This activity involves the development of utility mapping naming conventions, and other initial file preparations forming the sewer and water main infrastructure.

**TASK 2: Format Existing Records**

This task involves the transcription of existing mapping records for the sewer and water main system to form the computer based graphical data base required to produce new mapping images.

**TASK 3: Draft Map Production**

This task includes the final assembly, plotting, and distribution of draft copies of the completed sewer and water system maps for review.

**B. SCHEDULE OF SERVICES**

The following schedule pertaining to the work tasks defined for this project has been prepared to establish a workable duration for this project.

<b>TABLE 1: PROJECT SCHEDULE</b>	
<b>Work Task</b>	<b>Completion Date</b>
Task 1: Develop Map Framework	October 2006
Task 2: Format Existing Records	February 2007
Task 3: Draft Map Production	February 2007

**C. COST REIMBURSEMENT**

Reimbursement for costs incurred to provide the specified engineering services shall be based upon the hourly rate schedule established in Table 2 of this Agreement. The hourly rates shall be applicable over the duration of the project defined in Table 1. Should the project duration extend beyond the work schedule, the rates specified may be amended to account for changes in the ENGINEER'S cost for providing services.

4-E.2

<b>Labor Category</b>	<b>Hourly Rate</b>
Principal Engineer	\$115.93
Senior Engineer	\$97.54
Staff Engineer	\$82.26
Staff Engineer	\$80.87
Staff Engineer	\$79.84
Staff Engineer	\$74.77
Technician	\$64.80

Billing for services provided under this Agreement shall occur as costs accrue and project tasks are completed. Billing statements will be issued on monthly or other appropriate intervals determined by project objective. All cost reimbursement requests will reflect the hourly rates approved under this Agreement. An upper limit of cost for services provided under this Agreement, has been computed as shown in Table 3. Displayed in this table are the time and cost assignments expected to be incurred to complete the project work tasks. The upper limit may be amended with the approval of the CLIENT, should the scope of services change imposing an increase in cost for the ENGINEER. At this time the specified upper limit which the ENGINEER will not exceed without this Agreement being formally amended is \$20,000.00.

<b>Labor Category</b>	<b>Hourly Rate</b>	<b>Task 1: Develop Map Framework</b>	<b>Task 2: Format Map Records</b>	<b>Task 3: Draft Map Production</b>	<b>Total Hours</b>	<b>Total Cost</b>
Principal Engineer	\$115.93	5	0	5	10	\$1,159.30
Senior Engineer	\$97.54	10	40	10	60	\$5,852.40
Staff Engineer	\$82.26	0	20	0	20	\$1,645.20
Staff Engineer	\$79.84	0	15	0	15	\$1,197.60
Staff Engineer	\$74.77	10	100	20	130	\$9,720.10
Technician	\$64.80	0	0	2	2	\$129.60
Hour Sub-totals:		25	175	37	237	
Cost Sub-totals:		\$2,302.75	\$14,221.40	\$3,180.05		
Other Direct Costs: Miscellaneous Reproduction						\$295.80
TOTAL for Engineering Services. . . .						\$20,000.00

4-E.3

## D. GENERAL PROVISIONS

The following provisions for consulting engineering agreements have been attached for work conducted under this project.

### 1. General

The CLIENT and the ENGINEER agree that the following provisions shall apply to the work to be performed under this Agreement and that such provisions shall supersede any conflicting provisions of this Agreement.

### 2. Responsibility of the ENGINEER

- (a) The ENGINEER shall be responsible for the professional quality, technical accuracy, timely completion, and the coordination of all designs, drawings, specifications, reports, and other services furnished by the ENGINEER under this Agreement. The ENGINEER shall, without additional compensation, correct or revise any errors, omissions or other deficiencies in his designs, drawings, specifications, reports, and other services. The ENGINEER shall not be responsible for the accuracy of that information provided by the CLIENT or other agencies for the completion of the work completed under this Agreement.
- (b) The ENGINEER shall perform such professional services as may be necessary to accomplish the work required to be performed under this Agreement. Approval by the CLIENT of drawings, designs, specifications, reports, and incidental engineering work or materials furnished hereunder shall not in any way relieve the ENGINEER of responsibility for the technical adequacy of his work. Neither the CLIENT'S review, approval or acceptance of, nor payment for, any of the services shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement, and the ENGINEER shall be and remain liable in accordance with applicable law for all damages to the CLIENT caused by the ENGINEER'S negligent performance of any of the services furnished under this Agreement.

### 3. Scope of Work

Except as may be otherwise specifically limited in this Agreement, the services to be rendered by the ENGINEER shall include all reasonable and customary services required to complete the work tasks specified for the project.

### 4. Changes

- (a) The CLIENT may, at any time, by written order, make changes within the general scope of services or work to be performed. If such changes cause an increase or decrease in the ENGINEER'S cost of, or time required for, the performance of any services under this Agreement, whether or not changed by any order, an equitable adjustment shall be made and this Agreement shall be modified in writing accordingly. Any claim of the ENGINEER for adjustment under this clause must be asserted in writing within 30 days from the date of notification of change unless the CLIENT grants an extension of time.

- (b) No services for which an additional compensation will be charged by the ENGINEER shall be furnished without the written authorization of the CLIENT.

## 5. Termination

- (a) This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party; provided that no such termination may be effected unless the other party is given (1) not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate and (2) an opportunity for consultation with the terminating party prior to termination.
- (b) If termination for default is effected by the CLIENT, an equitable adjustment in the price provided for in this Agreement shall be made, but any payment due to the ENGINEER at the time of termination may be adjusted to the extent of any additional costs occasioned to the CLIENT by reason of the ENGINEER'S default. If termination for default is effected by the ENGINEER, or if termination for convenience is effected by the CLIENT, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to the ENGINEER for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the ENGINEER relating to commitments which had become firm prior to the termination.
- (c) Upon receipt of a termination action pursuant to paragraphs (a) or (b) above, the ENGINEER shall (1) promptly discontinue all services affected (unless the notice directs otherwise), and (2) deliver or otherwise make available to the CLIENT all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated by the ENGINEER in performing this Agreement, whether completed or in process. Upon termination the CLIENT may take over the work and prosecute the same to completion by Agreement with another party.
- (d) If, after termination for failure of the ENGINEER to fulfill contractual obligations, it is determined that the ENGINEER had not so failed, the termination shall be deemed to have been effected for the convenience of the CLIENT and an adjustment to the price shall be made as noted above.

## 6. Remedies

- (a) Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes, and other matters in question between the CLIENT and the ENGINEER arising out of or relating to this Agreement or the breach thereof will be decided by the arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then obtaining, subject to the limitations stated in paragraphs (c) and (d) below. This Agreement, and any other Agreement or consent to arbitrate entered into in accordance therewith as provided below, will be specifically enforceable under the prevailing law of any court having jurisdiction.
- (b) Notice of demand for arbitration must be filed in writing with the other party to this Agreement, and with the American Arbitration Association. The demand must be made within a reasonable time after the claim, dispute or other matter in question has arisen. In no event may the demand

4-E,5

for arbitration be made after the time when institution of legal or equitable proceedings based upon such claim, dispute or other matter in question would be barred by the applicable statute of limitations.

- (c) All demands for arbitration and all answering statements thereto which include any monetary claim must contain a statement that the total sum or value in controversy as alleged by the party making such demand or answering statement is not more than \$200,000 (exclusive of interest and costs). The arbitrators will not have jurisdiction, power or authority to consider, or make findings (except in denial of their own jurisdiction) concerning any claim, counterclaim, dispute or other matter in question where the amount in controversy thereof is more than \$200,000 (exclusive of interest and costs) or to render a monetary award in response thereto against any party which totals more than \$200,000 (exclusive of interest and costs).
- (d) No arbitration arising out of, or relating to, this Agreement may include, by consolidation, joined or in any other manner, any additional party not a party to this Agreement.
- (e) By written consent signed by all parties to this Agreement and containing a specific reference hereto, the limitations and restrictions contained in paragraphs (c) and (d) above may be waived in whole or in part as to any claim, counterclaim, dispute or other matter specifically described in such consent. No consent to arbitration in respect of a specifically described claim, counterclaim, dispute or other matter in question will constitute consent to arbitrate any other claim, counterclaim, dispute or other matter in question which is not specifically described in such consent or in which the sum or value in controversy exceeds \$200,000 (exclusive of interest and costs) or which is with any party not specifically described therein.
- (f) The award rendered by the arbitrators will be final, not subject to appeal, and judgement may be entered upon it in any court having jurisdiction thereof.

## 7. Payment

- (a) The ENGINEER may submit payment requests based upon the value of the work and services performed by the engineer under this Agreement.
- (b) The payments requested by the ENGINEER shall be made by the CLIENT to the ENGINEER within thirty (30) days upon submission of invoice statements. A one and one half percent monthly interest fee may be assessed by the ENGINEER for late payment beyond the thirty day processing period. When progress payments are made, the CLIENT may withhold up to ten percent of the amount until satisfactory completion by the ENGINEER of work and services called for under this Agreement. When the CLIENT determines that the work under this Agreement or any specified task hereunder is substantially complete and that the amount of retained percentages is in excess of the amount considered by him to be adequate for the protection of the CLIENT, he shall release to the ENGINEER such excess amount.
- (c) Upon satisfactory completion by the ENGINEER of the work called for under the terms of this Agreement, and upon acceptance of such work by the CLIENT, the ENGINEER will be paid the unpaid balance of any money due for such work, including the retained percentages relating to this portion of the work.

4-E.6

- (d) Upon satisfactory completion of the work performed hereunder, and prior to final payment under this Agreement for such work, or prior settlement upon termination of the Agreement, and as a condition precedent thereto, the ENGINEER shall execute and deliver to the CLIENT a release of all claims against the CLIENT arising under or by virtue of this Agreement, other than such claims, if any, as may be specifically exempted by the ENGINEER from the operation of the release in stated amounts to be set forth therein.

## 8. Project Design

- (a) In the performance of this Agreement, the ENGINEER shall, to the extent practicable, provide for maximum use of structures, machines, products, materials, construction methods, and equipment which are readily available through competitive procurement, or through standard or proven production techniques, methods and processes.
- (b) The ENGINEER shall not, in the performance of the work called for by this Agreement, produce a design or specification such as to require the use of structures, machines, products, materials, construction methods, equipment, or processes which are known by the ENGINEER to be available only from a sole source, unless such use has been adequately justified by the ENGINEER as necessary for the minimum needs of the project.
- (c) The ENGINEER shall not, in the performance of the work called for by the Agreement, produce a design or specification which would be restrictive. No specification for bids or statement of work may be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements, unless such requirements are necessary to test or demonstrate a specific usage, or to provide for necessary interchangeable parts and compatibility with equipment, or unless equivalent "or equal" performance criteria will be allowed as part of the competitive bid evaluation.
- (d) The ENGINEER shall report to the CLIENT any sole-source or restrictive design or specification giving the reason or reasons why it is considered necessary to restrict the design or specification.

## 9. Subcontractors

- (a) Any subcontractors and outside associates or consultants required by the ENGINEER in connection with the services covered by this Agreement will be limited to such individuals or firms as were specifically identified and agreed to during negotiations, or as are specifically authorized by the CLIENT during the performance of this Agreement. Any substitutions in or additions to such subcontractors, associates, or consultants will be subject to the prior approval of the CLIENT.
- (b) Except as otherwise provided in this Agreement, the ENGINEER may not subcontract services in excess of thirty percent of the contract price to subcontractors or consultants with our prior written approval of the CLIENT.

#### 10. Access to Records

The ENGINEER shall maintain books, records, documents and other evidence directly pertinent to the performance of the work under this Agreement in accordance with accepted professional practice, appropriate accounting procedures and practices. The ENGINEER shall also maintain the financial information and data used by the ENGINEER in the preparation or support of the cost records. The CLIENT shall have access to such books, records, documents and other evidence for the purpose of inspection, audit and copying. The ENGINEER will provide proper facilities for such access and inspection.

4-E.8

**E. AGREEMENT APPROVAL**

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate, each of which shall be considered as an original by their duly authorized officers as of the dates below indicated.

Executed by the CLIENT:

\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

VILLAGE OF LAGRANGE

53 South LaGrange Road  
LaGrange, Illinois 60525  
(708) 579-2318

By: \_\_\_\_\_  
Elizabeth Asperger  
Village President

Executed by the ENGINEER:

\_\_\_\_ 2nd \_\_\_\_ Day of February \_\_\_\_, 20 07

HEUER AND ASSOCIATES, P.C.

2315 Enterprise Drive, Suite 102  
Westchester, Illinois 60154  
(708) 492-1000

By: \_\_\_\_\_  
Thomas A. Heuer, P.E.  
President

ATTEST:

By: \_\_\_\_\_  
Robert Milne, Village Clerk

4-E.9

## VILLAGE OF LA GRANGE

Disbursement Approval by Fund

February 12, 2007

Consolidated Voucher 070212

Fund No.	Fund Name	02/12/07 Voucher	01/26/07 Payroll	02/09/07 Payroll	Total
01	General	122,572.20	220,428.34	233,980.81	576,981.35
21	Motor Fuel Tax				0.00
22	Foreign Fire Insurance Tax				0.00
23	TIF	5,588.32			5,588.32
24	ETSB	2,479.18			2,479.18
40	Capital Projects	9,298.84			9,298.84
50	Water	9,910.68	29,605.54	29,428.42	68,944.64
51	Parking	3,648.01	18,876.67	18,991.32	41,516.00
60	Equipment Replacement				0.00
70	Police Pension				0.00
75	Firefighters' Pension		2,300.31		2,300.31
80	Sewer	1,383.22	6,767.94	7,292.59	15,443.75
90	Debt Service				0.00
91	SSA 4A Debt Service				0.00
93	SAA 269				0.00
94	SAA 270				0.00
		<u>154,880.45</u>	<u>277,978.80</u>	<u>289,693.14</u>	<u>722,552.39</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-F

MINUTES

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

Monday, January 22, 2007 - 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 7:35 p.m. by President Asperger. On roll call, as read by Village Clerk Robert Milne, the following were:

PRESENT: Trustees Cremieux (arrived 7:40 p.m.) Horvath, Langan, Livingston, Pann and Wolf with President Asperger presiding.

ABSENT: None

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

2. PRESIDENT'S REPORT

A. Oath of Office – Firefighter / Paramedic Frank Radek

President Asperger stated the creation of a new Firefighter / Paramedic floater position within the Fire Department has resulted in the La Grange Board of Fire and Police Commissioners appointing Mr. Frank Radek effective January 16, 2007. President Asperger welcomed Frank who is a licensed Paramedic and Certified Firefighter II. Village Clerk Milne administered the Oath of Office to Firefighter / Paramedic Frank Radek.

President Asperger expressed condolences to the family of James O'Rourke at his recent passing. Mr. O'Rourke served on the La Grange Parking Commission, the

W-6

La Grange Police Auxiliary, was a Lt. Colonel in the Military Police and Commander in the American Legion.

President Asperger commended the La Grange Police Department for their due diligence in the apprehension of the alleged perpetrator in the recent fatal shooting of a La Grange resident. President Asperger indicated that the Village will continue to conduct neighborhood meetings with residents, clergy, schools, and the park district to utilize whatever resources may help to achieve community-based solutions in crime prevention.

President Asperger stated the Plan Commission meeting scheduled for Tuesday, January 23 will continue discussion of a second medical office building on the La Grange Memorial Hospital campus. The Plan Commission has recently completed their two year deliberation on proposed amendments to the Village's Zoning Code and will be sending recommendations, drafted by the Village Attorney, to the Village Board in the near future.

Residents are encouraged to participate in the La Grange Business Association's Super Savings Bowl Promotion which allows customers to receive a \$10 gift certificate and entered in a raffle by achieving stamps for each \$5 purchase made at participating businesses. More details are available at [www.ahhlagrange.com](http://www.ahhlagrange.com)

Lastly President Asperger noted a typographical error in the Board Report referencing an ordinance for variation in the number of signs per lot / Sprint Nextel, 115 N. La Grange Road, explaining that the Zoning Board of Appeals' motion to recommend that the variation be granted resulted in a vote of 3 ayes and 2 nays, not 2-3 as originally published.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

Mr. Ray Dake of Paradise Signs, agent for Sprint's retail store at 115 N. La Grange Road noted his presence if the Board had any questions in reference to his companies request for a variation of the sign code (item 5-A) on the agenda. President Asperger noted he would be allowed to answer questions when this item is presented.

4. OMNIBUS AGENDA AND VOTE

- A. Ordinance (#O-07-01) Creating an Additional Class G Liquor License – Palmer Ventures, Inc., 56 S. La Grange Road
- B. Ordinance (#O-07-02) Creating an Additional Class A Liquor License – White Hen Pantry, Inc. 201 W. Hillgrove Avenue

4-G.1

- C. Resolution (#R-07-01) Accepting Local Law Enforcement Block Grant Funds – Justice Assistance Grant Program
- D. Resolution (#R-07-02) Application For Grant Funds / Emergency Services and Disaster Planning – Community Notification System
- E. Intergovernmental Agreement – Consortium Testing For Firefighter / Paramedic Applicants Through The College of DuPage
- F. Ordinance (#O-07-3) Amendment to Village Code / Auxiliary Police Officers
- G. Consolidated Voucher 061226 - \$485,517.02
- H. Consolidated Voucher 070108 - \$470,297.97
- I. Consolidated Voucher 070122 - \$750,047.10
- J. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, December 11, 2006

It was moved by Trustee Langan to approve items A, B, C, D, E, F, G, H, I and J of the Omnibus, seconded by Trustee Pann. Approved by roll call vote.

Ayes: Trustees Cremieux, Horvath, Langan, Livingston, Pann, Wolf and President Asperger  
Nays: None  
Absent: None

5. CURRENT BUSINESS

- A. Ordinance (#O-07-04) – Variation – Number of Signs Per Lot / Sprint Nextel, 115 N. La Grange Road: Referred to Trustee Langan

Trustee Langan noted that the request for a variation of the number of signs per lot made by Sprint Nextel was denied by the Zoning Board of Appeals with three ayes and two nays, at least four ayes are required to decide in favor of any application.

Trustee Langan discussed the fact that Zoning Board members determined this application did not show a particular hardship, the application did not satisfy the standards of a variation and therefore, the Zoning Board felt that they must uphold the intent of the Zoning Code.

4-6-2

Trustee Langan further explained that signs in the downtown area similar to the requested variation which were discussed by the Zoning Board prior to their vote, either were in compliance with the Zoning Code or granted a variation under a previous Zoning Code.

It was moved by Trustee Langan to support the Zoning Board of Appeals decision and deny the request for a variation in the number of signs per lot, seconded by Trustee Cremieux.

Trustee Livingston believes the request for a variation is reasonable and should be approved. Trustee Horvath concurred.

Trustee Wolf indicated that she would support the request as long as the petitioner understood that the sign could be obstructed in the future by development of the adjacent parcel.

Trustee Pann inquired if the applicant considered alternatives and Mr. Ray Dake of Paradise Signs, agent for Sprint's retail store indicated yes, however they were not doable.

Trustee Cremieux inquired if the sign could conform to the setback requirements and was informed by Mr. Dake that setback compliance would eliminate a portion of the showroom.

President Asperger noted it had been moved and seconded to deny the variation and explained that a yes vote would be to deny the variation and a no vote would be to grant the variation. Motion to deny the variation fails by a 5 to 1 vote.

Ayes: Trustee Langan  
Nays: Trustees Cremieux, Horvath, Livingston, Pann and Wolf  
Absent: None

Trustee Cremieux requested Trustee Langan explain his reasoning for denying the requested variation. Trustee Langan believes the Zoning Board of Appeals was abiding by the standards set forth in the Village's Zoning Code and therefore, he was in agreement with their decision.

It was moved by Trustee Livingston to approve the ordinance to grant the variation of the number of signs per lot, seconded by Trustee Pann. Variance approved by a 5 to 1 vote.

Ayes: Trustees Cremieux, Horvath, Livingston, Pann and Wolf  
Nays: Trustee Langan  
Absent: None

4-6-3

6. MANAGER'S REPORT

Village Manager Robert Pilipiszyn announced that an Executive Committee Workshop regarding capital projects would be conducted on Monday, January 29 at 7:30 p.m. in the lower level conference room in the Village Hall.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

Jill Daniels, 201 N. Stone expressed concerns related to the safety of children and requested the Board supply additional signage in school areas, along crosswalks and approve funding for additional adult crossing guards at Ogden Avenue and Waiola Avenue.

President Asperger thanked Ms. Daniels for supplying copies of her initial correspondence regarding school safety concerns. President Asperger explained that the Village continues to work with the Illinois Department of Transportation on safety matters along Ogden Avenue. President Asperger encouraged concerned individuals to work with school principals and the Village Manager for updates and progress on this item.

Jim Palermo, 216 S. Ashland suggested the Village consider a PACE Car Program, whereby residents pledge to abide by traffic laws and are issued a decal to post in their vehicles. President Asperger suggested this might be an item to be brought to the local school boards.

8. EXECUTIVE SESSION

A. Closed Session – Purchase, Sale or Lease of Real Property

It was moved by Trustee Langan and seconded by Trustee Pann to convene in the lower level conference room for Executive Session to discuss the purchase, sale, or lease of real property. Approved by roll call vote.

Ayes: Trustees Cremieux, Horvath, Langan, Livingston, Pann and Wolf  
Nays: None  
Absent: None

9. TRUSTEE COMMENTS

Trustee Horvath thanked Ms. Daniels for expressing her concerns regarding school safety issues and supplying the Board with pertinent information.

4-6.4

10. ADJOURNMENT

At 8:40 p.m. the meeting was adjourned to the lower level conference room for closed session.

\_\_\_\_\_  
Elizabeth M. Asperger, Village President

ATTEST:

\_\_\_\_\_  
Robert N. Milne, Village Clerk

\_\_\_\_\_  
Approved Date

4-6-5