

# Village of La Grange



**PUBLIC HEARING  
AND  
VILLAGE BOARD MEETING**

**MONDAY, APRIL 10, 2006**

**7:30 p.m.**

**Book 1 of 2**

Village Hall Auditorium

53 South La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger  
Village President

Robert N. Milne  
Village Clerk

VILLAGE OF LA GRANGE  
PUBLIC HEARING AND BOARD OF TRUSTEES REGULAR MEETING

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

AGENDA

Monday, April 10, 2006

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. PUBLIC HEARING – FY 2006-07 Operating and Capital Improvements Budget:  
*Referred to President Asperger*
  
3. PRESIDENT’S REPORT
  - This is an opportunity for the Village President to report on matters of interest or concern to the Village.*
  
  - A. Oath of Office – Firefighter / Paramedic Chris Mansfield
  
4. PUBLIC COMMENTS REGARDING AGENDA ITEMS
  - This is the opportunity for members of the audience to speak about matters that are included on this Agenda.*
  
5. 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 – Variation – Rear Yard Setback/Marty and Marcy Dunne, 300 S. Waiola Avenue
  
  - B. Ordinance – Variation – Maximum Building Coverage / Vytautas Berzanskis, 737 S. Waiola Avenue

- C. Ordinance – Change in Parking Restrictions / 300 Block of W. Burlington Avenue
- D. Ordinance – Creation of Student Loading Zone / 100 Block of S. Madison Avenue (First United Methodist Church)
- E. Budget Amendments – Fiscal Year Ending April 30, 2006
- F. Engineering Services Agreement – Bluff Avenue Reconstruction Project (Phase II Engineering)
- G. Contract – Group Health and Life Insurance Renewal
- H. Purchase – Public Works Department / Replacement of Step Van
- I. Budget Amendment – Traffic Signal Preemption Control System
- J. For-Profit Solicitation – TruGreen
- K. Consolidated Voucher 060327
- L. Consolidated Voucher 060410
- M. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, March 13, 2006

6. CURRENT BUSINESS

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

- A. Resolution – Approving the FY 2006-07 Operating and Capital Improvements Budget: *Referred to Trustee Wolf*
- B. Resolution – Endorsement of Application For Cook County Class 6(b) Property Tax Incentive / 704 E. Elm: *Referred to Trustee Livingston*
- C. Engineering Services Agreement – Maple Avenue Relief Sewer (MARS) Project (Phase I): *Referred to Trustee Horvath*

7. 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.*

8. 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.*

9. 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.*

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

10. TRUSTEE COMMENTS

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

11. ADJOURNMENT

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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.

**VILLAGE OF LA GRANGE**  
**Finance Department**

**BOARD REPORT**

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

FROM: Bob Pilipiszyn, Village Manager,  
Lou Cipparrone, Finance Director

DATE: April 3, 2006

RE: **PUBLIC HEARING — FY 2006-07 OPERATING AND CAPITAL  
IMPROVEMENTS BUDGET**

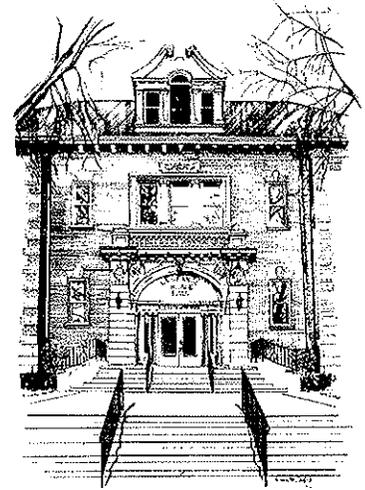
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In accordance with State statute, the Village Board is scheduled to convene a Public Hearing on Monday, April 10, 2006 at 7:30 p.m. in the La Grange Village Hall Auditorium for purposes of receiving public comment regarding the proposed FY 2006-07 Operating and Capital Improvements Budget.

A notice of Public Hearing has been posted and published. In addition, copies of the proposed budget document have been made available for public inspection in the Village Hall and the La Grange Public Library since the end of February. The public hearing represents the conclusion of the on-going process by which public input has been solicited throughout the development of the budget document. This process began in November, 2005 with consideration of the preliminary tax levy.

After all oral and written comments have been heard, it would be appropriate for the Village Board to adjourn the Public Hearing. Should any testimony received at the public hearing resonate with the Village Board, the Village Board has the legislative discretion to discuss and amend the Village budget when it is considered for adoption later on in the meeting agenda.

# Village of La Grange



VILLAGE OF LA GRANGE  
NOTICE OF PUBLIC HEARING

A public hearing will be held on the proposed Village of La Grange budget for the 2006-07 fiscal year ending April 30, 2007. The public hearing will be held on Monday, April 10, 2006, at 7:30 p.m. in the La Grange Village Hall, 53 S. La Grange Road, second floor auditorium.

All interested citizens attending the public hearing may provide written and oral comments and may ask questions regarding the entire budget for fiscal year 2006-07.

A copy of the entire budget for the Village of La Grange for the year ending April 30, 2007 is available for public inspection in the office of the Village Clerk, 53 S. La Grange Road, La Grange, Illinois, and the La Grange Public Library.

Robert N. Milne  
Village Clerk  
Village of La Grange

Filename:\users\finance\budget-public hearing notice.doc

2.1

VILLAGE OF LA GRANGE

PUBLIC HEARING

The Village of La Grange's proposed Operating and Capital Improvement Budget is a five-year budget for fiscal years 2006-07 through 2010-11. The five-year projection offers insight into what is expected to occur over the next five years and can be used as a guideline for property tax, administrative, capital and operational planning.

The proposed Village of La Grange operating and capital improvement budget for FY 2006-07 is summarized below:

FUND NO.	FUND	FY 2006-07 PROPOSED REVENUES	FY 2006-07 PROPOSED EXPENDITURES
01	GENERAL	\$ 10,410,908	\$ 10,329,966
21	MOTOR FUEL TAX	507,336	1,104,000
22	FORGEIN FIRE INSURANCE TAX	18,900	21,200
23	TAX INCREMENT FINANCING	6,355,000	5,463,991
24	EMER. TELEPHONE SYSTEMS BOARD	175,500	208,343
40	CAPITAL PROJECTS	2,259,000	1,839,842
50	WATER	3,112,448	3,286,362
51	PARKING	850,000	823,271
60	EQUIPMENT REPLACEMENT	572,707	263,000
70	POLICE PENSION	1,796,089	1,075,408
75	FIRE PENSION	1,222,091	817,722
80	SEWER	430,930	431,717
90	DEBT SERVICE	<u>5,367,212</u>	<u>5,363,511</u>
	TOTAL VILLAGE REVENUES/ EXPENDITURES	33,078,121	31,028,333
	LIBRARY FUND	<u>2,340,166</u>	<u>11,736,676</u>
	TOTAL REVENUES/ EXPENDITURES, ALL FUNDS	<u><u>35,418,287</u></u>	<u><u>42,765,009</u></u>

The Public Hearing is now open to the public for written or oral comments and questions.

After public comment is received, a motion to adjourn will be requested.

2.2

**PRESIDENT'S REPORT**

VILLAGE OF LA GRANGE  
Fire Department

**BOARD REPORT**

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

FROM: Robert J. Pilipiszyn, Village Manager and  
David W. Fleege, Fire Chief

DATE: April 10, 2006

RE: **OATH OF OFFICE-FIREFIGHTER/PARAMEDIC CHRIS MANSFIELD**

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With the resignation of Firefighter/Paramedic Rachael Zdenovec in December 2005, a vacancy was created in the La Grange Fire Department. The La Grange Board of Fire and Police Commissioners have appointed Mr. Chris Mansfield to the position of Firefighter/Paramedic effective April 3, 2006.

Chris is a licensed paramedic and is a certified Firefighter II. He has 4 years of fire service experience, most recently as a Firefighter/Paramedic with the Glenside Fire Protection District. Chris is married and resides in Glendale Heights, Illinois.

We are pleased to present Chris Mansfield to the Village Board and we invite him to step forward so that Village Clerk Robert Milne can administer the oath of office.

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3-A

**OMNIBUS VOTE**

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 M. Mesaros, Village Planner

DATE: April 10, 2006

RE: **ORDINANCE - VARIATION - REAR YARD SETBACK/MARTY AND  
MARCY DUNNE, 300 S. WAIOLA AVENUE**

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Marty and Marcy Dunne, owners of the property at 300 South Waiola Avenue, have applied for a variation from Rear Yard Setback requirements in order to construct an attached garage into the rear yard setback. The subject property is a corner lot located in the R-4 Single Family Residential Zoning District. The property in question is 94 ft wide, larger than typical residential lots that measure 50 ft. wide. However, the subject property is typical of lots in the area between Cossitt and Goodman Avenue and Brainard to Kensington, many of which are larger than the average width.

The rear yard requirement for the subject property is 27 feet. Construction of the proposed attached garage would encroach into the required rear yard setback by 22 feet. The Zoning Code allows reduction of any required yard and setback by variation. The requested variation falls within the authorized limits of the Zoning Code.

According to the petitioners, the existing two-car detached garage is in need of significant repair. In addition, the garage is located only 4.5 feet from the house; and the Zoning Code requires a 10-foot setback between principal and accessory structures. The proposed attached garage would correct the existing building spacing non-conformity. In addition, the garage would be setback five feet, which is further from the lot line than the existing detached garage (3 feet).

On March 16, 2006, the Zoning Board of Appeals held a public hearing on this matter and voted unanimously to recommend that the variation be granted for an attached garage not to exceed 22 feet in height.

In the past, the Village has granted variations for two-car garages as the minimum variation of Zoning requirements necessary. Commissioners recommended approval of the three-car garage, because this property is unique, the proposed attached garage will eliminate an existing non-conformity and the proposal would allow preservation of green space on the lot.

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

5-A

VILLAGE OF LA GRANGE

ORDINANCE NO. O-06-

AN ORDINANCE APPROVING ZONING VARIATION  
FROM REAR YARD SETBACK  
FOR 300 S. WAIOLA

WHEREAS, Marty and Marcy Dunne, owners of the property commonly known as 300 S. Waiola Avenue, La Grange, Illinois, and legally described as follows:

Lots 1 and 2 in Block 11 in Lay and Lyman's Subdivision of the West 1/2 of the Southwest 1/4 of Section 4 Township 38 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

have applied for a variation from Paragraph 3-110C4 (Rear Yard Setback) of Chapter 154 of the La Grange Code of Ordinances in order to construct an attached garage on the above referenced property; and

WHEREAS, the Zoning Board of Appeals, as required by law, has conducted a duly noticed public hearing on this matter on March 16, 2006.

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

SECTION 1: A variation of 22 feet from Paragraph 3-110C4 (Front Yard Setback) of Chapter 154 of the La Grange Code of Ordinances, to construct a 22-foot high attached garage on the property, be hereby granted to the owners of the above-referenced property in conformance with the plans 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.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2006, pursuant to a roll call vote as follows:

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

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

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

5-A.1

**APPROVED** by the President and Board of Trustees of the Village of La Grange this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

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

5-A.2

**FINDINGS OF FACT**

ZONING BOARD OF APPEALS  
OF THE  
VILLAGE OF LA GRANGE

March 16, 2006

President Asperger and  
Board of Trustees

RE: **ZONING CASE #547 - VARIATION – REAR YARD SETBACK/MARTY AND  
MARCY DUNNE, 300 SOUTH WAIOLA AVENUE**

The Zoning Board of Appeals transmits for your consideration, its recommendations for a request of zoning variation necessary to construct an attached garage on the property at 300 South Waiola Avenue.

**I. THE SUBJECT PROPERTY:**

The property in question is a single family residential lot with a 94 foot width and a depth of 135.42 feet.

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

The subject property is located in the R-4 Single Family Residential District.

**III. VARIATIONS SOUGHT:**

The applicant desires a variation from Paragraph 3-110C4 (Rear Yard Setback) of the La Grange Zoning Code. The applicant wishes to encroach into the required setback by 22 feet. At the public hearing, the applicant requested a variation to allow for the construction of an attached garage on the subject property. Subparagraph 14-303E1(a) (Authorized Variations) allows the reduction of any required yard setback. 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 in the La Grange Village Hall Auditorium on March 16, 2006. Present were Commissioners Nancy Pierson, Paul Kralovec, Nathaniel Pappalardo, Charles Benson, Jr., and Chairperson Ellen Brewin presiding. Also present was Staff Liaison, Angela Mesaros. Testimony was given under oath by the applicants. No objectors appeared at the hearing and no written objections have been filed to the proposed variation.

5-17-3

Chairperson Brewin swore in Marty and Marcy Dunne, owners of the subject property, 300 South Waiola, who presented the application and answered questions from the Commissioners:

- . Mr. Dunne stated that Village staff met with him in January to discuss the possibility of replacing the portico and mud room. As existing the house is too close to the garage. The garage is approximately four feet from the house and the code requires that they be at least 10 feet apart.
- . The proposal is to tear down the existing garage and rebuild a three car attached garage.
- . This requires a variation from the rear yard setback requirement.
- . The proposed garage would reduce the risk of fire that exists because the garage is currently too close to the house.
- . The Petitioner proposes to rebuild the garage further from the neighbor's house. It now sits at three feet and will be moved to five feet from the rear yard line.
- . The original proposal was for a 19 foot tall garage. The architect requests a height of 22 feet so that the garage will aesthetically look better and blend in with the roofline of the existing house.
- . The second story of the garage will be used exclusively for storage and an office for kids to do homework.
- . Currently only 15% of the property is covered by the house and they would only propose to add 1% more to the coverage.

Chairperson Brewin solicited questions from the Commissioners:

- . Chairperson Brewin stated that the Village has given people variations in the past for two car garages. She asked why the Petitioner needed a three car garage. Mr. Dunne stated that it is not essential since they only have two cars. However, most homes being built on lots similar to theirs have three car garages.

Chairperson Brewin solicited questions and comments from the audience:

- . John Cook, 240 South Waiola, who lives directly across Waiola from the Petitioner, stated that the addition would be an improvement but that it would not be substantially different. He further stated that he thinks it is a great design and is replacing a substandard structure.

5-14-4

- . Bill O'Neil, 300 South Stone, who is the neighbor most affected, stated that he is in complete support of the project.
- . Commissioner Pappalardo asked the neighbors how they felt about the concept of an attached versus a detached garage. Mr. Cook stated that his garage is attached, directly across Waiola, while most others are detached. He said that he has no problem with an attached garage. Mr. Cook further stated that the existing garage is already very close to the house and that he would actually be improving the setbacks with the new garage.

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

1. Unique Physical Condition:

This zoning lot, which measures 94 ft by 135.42 ft, is larger than typical residential lots in the R-4 Single Family Residential District, which measure 50 ft. wide. However, the lot is typical of the surrounding area between Cossitt and Goodman Avenue and Brainard to Kensington.

2. Not Self-Created:

The petitioners purchased the property in 2001, and they have made no modifications to it. According to the Dunnes, the house has not been modified since the detached garage was constructed approximately 70 years ago.

3. Denied Substantial Rights:

According to the petitioners, they are not aware of other homes that have comparable situations.

4. Not Merely Special Privilege:

For properties similar in size to the petitioners' lot, the maximum allowable gross floor area for a detached garage is 660 square ft, which is close in size to the proposed attached garage.

5. Code and Plan Purposes:

5-A.5

With the requested variation, the petitioners' house would meet the Zoning Code requirements for maximum building coverage and side and front yard setbacks.

6. Essential Character of the Area:

By Code, the petitioners could construct a detached garage, with a firewall, that is setback only 3 ft. from the rear lot line in the same location as the existing garage, which has no firewall. The proposed attached garage would be setback 2 feet further than this requirement with a 5 foot rear yard setback.

7. No Other Remedy:

Other remedies for a garage and mud room on the subject property would be (1) construct a detached garage on the southwest corner of the property, or (2) construct the mud room and portico addition and reconstruct the detached garage with a firewall.

**V. FINDINGS AND RECOMMENDATION:**

- . Chairperson Brewin stated that in the past the Village has approved a minimum of a two car garage and she is concerned about setting a precedent for future cases with a three car garage.
- . Chairperson Brewin stated that there are places on the lot where the Petitioner could construct a two-car detached garage.
- . Commissioner Pappalardo stated that in effect this is putting the garage in the rear yard. This case is a little unusual because the house is setback in the yard; however, it sits on a very large lot. This is a unique situation, it just happens to be attached because the original detached garage does not meet the code.
- . Chairperson Brewin stated that this is an opportunity to maintain green space on the lot.
- . Commissioner Pappalardo stated that this proposal balances a substantial encroachment with green space in the large lot. Commissioner Pappalardo further stated the building coverage is well below the maximum allowable.
- . Chairperson Brewin stated that the garage needs extra mass to balance the mass of the house. Therefore, in this case, a three-car garage would make sense.
- . Commissioner Benson stated that the Petitioner is proposing to replace a substandard structure with one that meets code.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Benson and seconded by Commissioner Kralovec that the Zoning Board

5-19-06

FF --ZBA Case #547  
RE: 300 S. Waiola  
Variation – Rear Yard Setback  
March 16, 2006 -- Page 5

of Appeals recommend to the Village Board of Trustees approval of the application submitted with ZBA Case #547.

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommended approval to the Village Board of Trustees by a 5/0/0 vote that variation from Paragraph 3-110C4 (Rear Yard Setback) be approved to allow the construction of a 22 foot high attached garage at 300 South Waiola.

Motion Carried by a roll call vote (5/0/0).

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

Respectfully submitted:

Zoning Board of Appeals of the  
Village of La Grange

BY: Ellen Brewin  
Ellen Brewin, Chairperson

5-A.7

## STAFF REPORT

**CASE: ZBA #547 – Marty and Marcy Dunne - 300 South Waiola - Rear Yard Setback**

### 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 January 2006, Marty and Marcy Dunne met with staff to discuss the construction of a mud room and portico addition to the back of their house on the subject property at 300 S. Waiola Avenue. During conversations with staff, it was determined that the existing detached garage is setback only 4.5 feet from the house. The Zoning Code requires a 10-foot setback between accessory and principal structures. Therefore, a building permit could not be issued for the proposed addition.

After additional meetings with staff, the petitioners submitted revised plans to demolish the existing 426 square feet two-car detached garage and replace it with a 27.75 ft. by 23.42 ft. (650 square ft.) three-car attached garage. According to the petitioners, the existing 70-year old garage requires significant repair. The proposed addition would correct the existing building spacing non-conformity. However the garage would not meet the requirements for rear yard setback.

In the R-4 Single Family Residential District in which the subject property is located, the rear yard setback requirement is 20% of the lot depth (25 ft. minimum). The rear yard requirement for the subject property is 27 ft. The proposed attached garage would encroach into the required rear yard setback by 22 ft. In order to construct the attached garage, the petitioners seek a variation from Paragraph 3-110C4 (Rear Yard Setback) of the Zoning Code. Subparagraph 14-303E1 (a) (Authorized Variations) allows the reduction of any required yard setback. 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."*

5-19-8

This zoning lot, which measures 94 ft by 135.42 ft, is larger than typical residential lots in the R-4 Single Family Residential District, which measure 50 ft. wide. However, the subject property is typical of lots in the surrounding area between Cossitt and Goodman Avenue and Brainard to Kensington, many of which are larger than the 50 ft. average width of other areas in the village.

**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 petitioners purchased the subject property in 2001, and they have made no modifications to it. According to the Dunnes, the house has not been modified since the detached garage was constructed approximately 70 years ago.

**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 petitioners, they are not aware of other homes that have comparable situations.

**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."*

For properties similar in size to the petitioners' lot, the maximum allowable gross floor area for a detached garage is 660 square ft, which is close in size to the proposed attached garage.

**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."*

With the requested variation, the petitioners' house would still meet the Zoning Code requirements for maximum building coverage, distance between accessory and principle structures, and side and front yard setbacks.

**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."*

By Code, the petitioners could construct a detached garage, with a firewall, that is setback only 3 ft. from the rear lot line in the same location as the existing garage, which has no firewall. The proposed attached garage will be setback 2 feet further than this requirement with a 5 foot rear yard setback. If the Zoning Board recommends approval of the attached garage, staff would suggest consideration of a condition on the variation that the garage not exceed the height limitations for a detached garage (19 feet maximum) and that no livable space be permitted above the garage in order to maintain consistency with the existing detached garage at this location.

**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."*

Other remedies for a garage and mud room on the subject property would be (1) construct a detached garage on the southwest corner of the property, or (2) construct the mud room and portico addition and reconstruct the detached garage with a firewall.

5-A-10

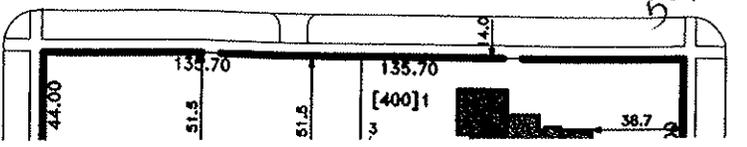
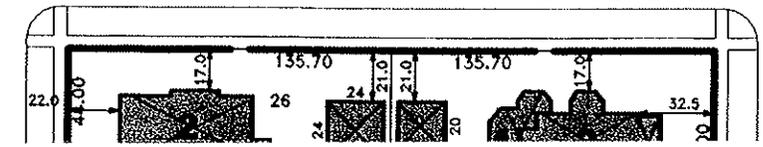
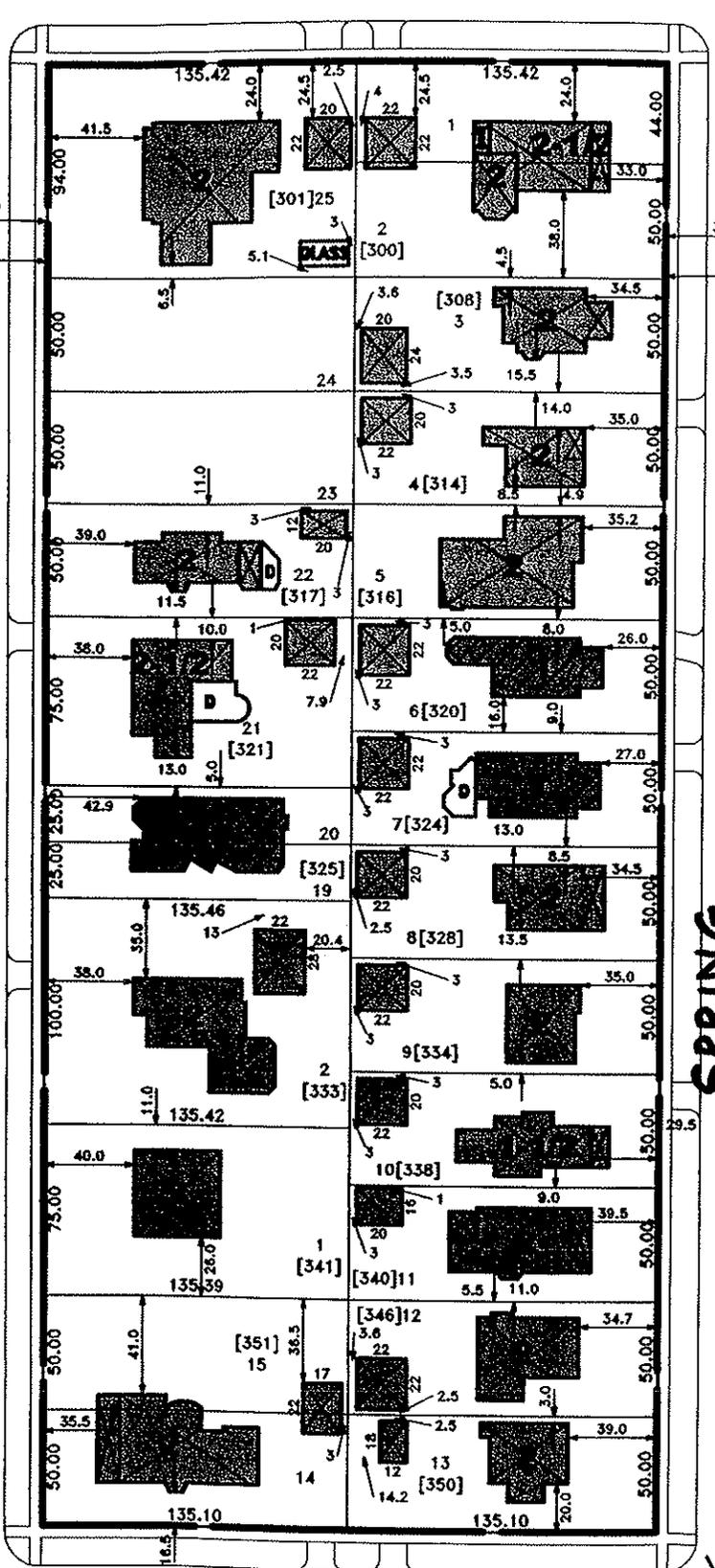
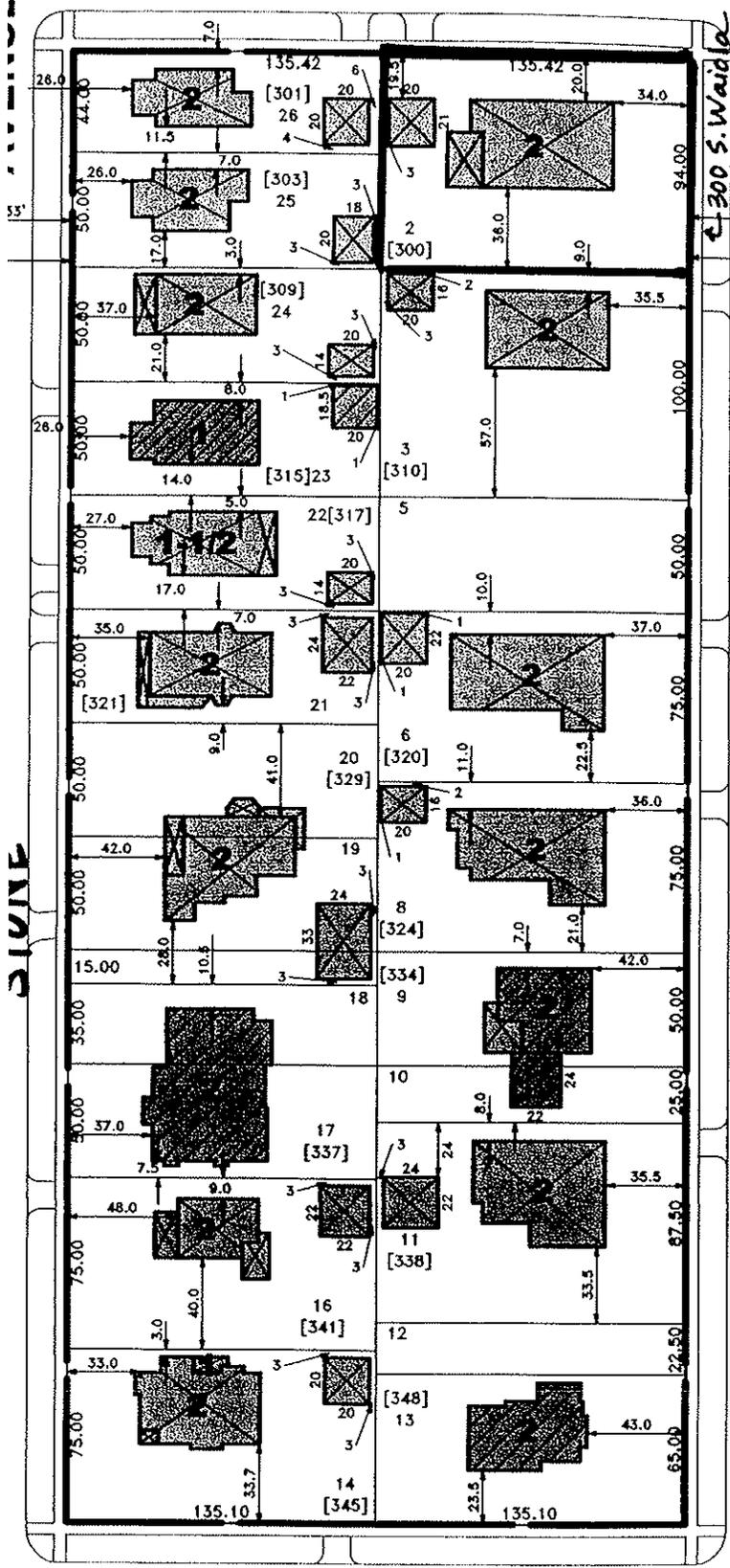
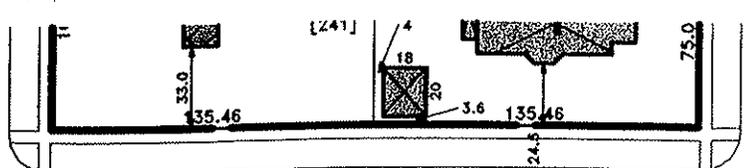
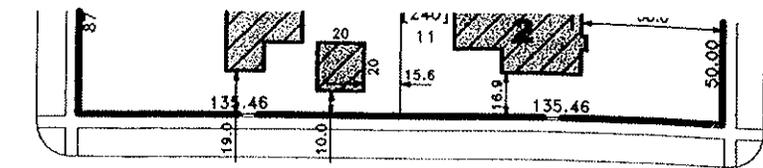
MAPLE

300 S. Waiala AVENUE

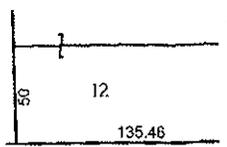
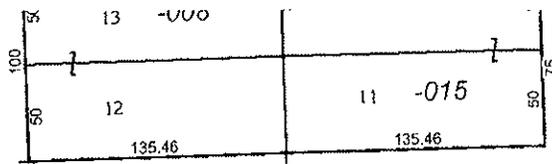
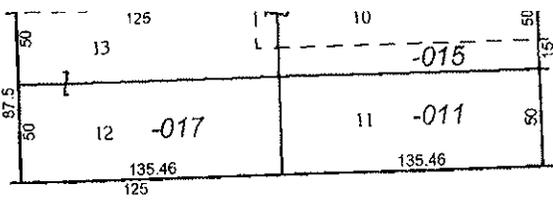
WAIOLA

GOODMAN

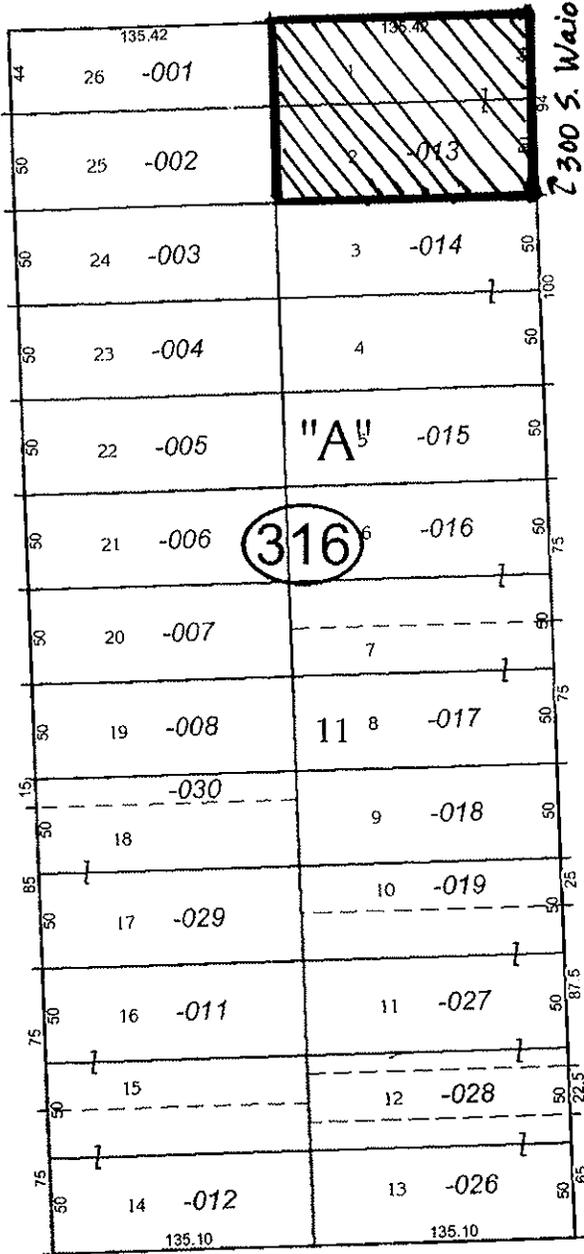
SPRING



5-A-11

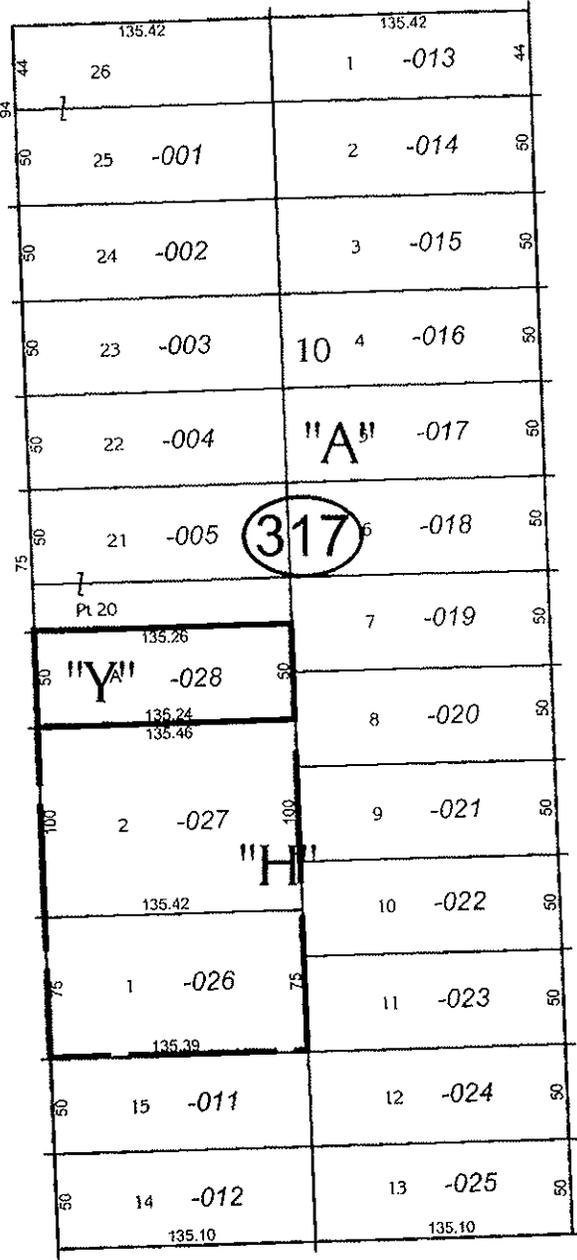


**MAPLE AVE**

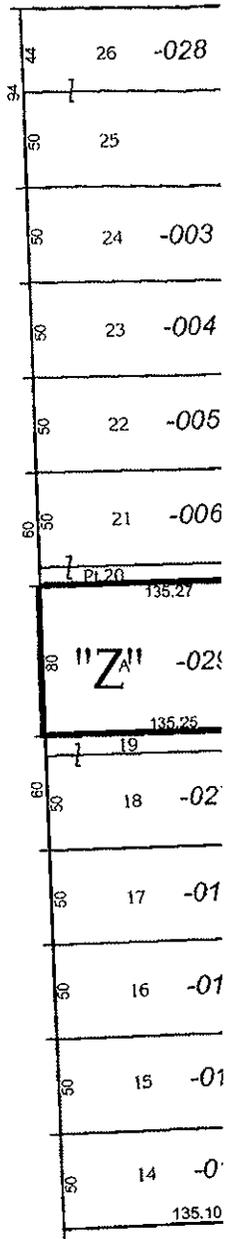


*2300 S. Waiola*

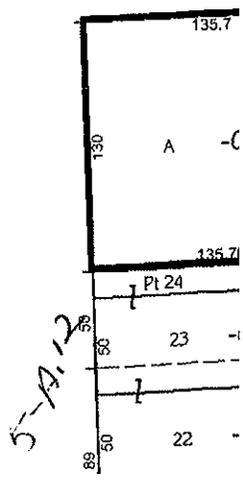
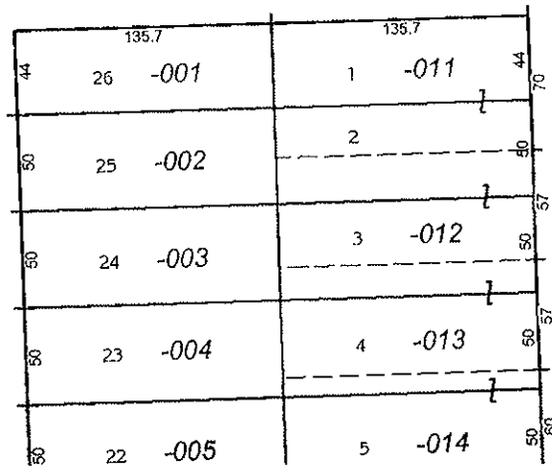
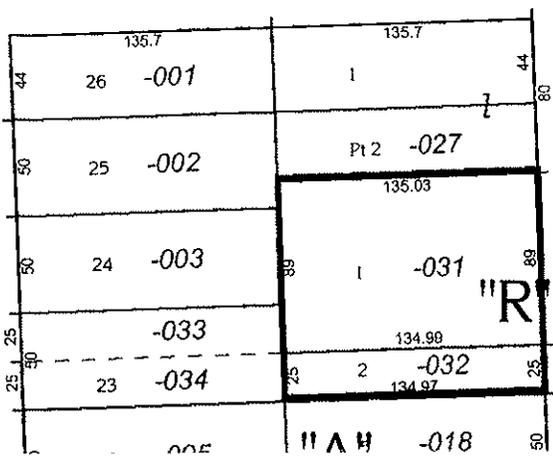
**WAIOLA AVE**



**SPRING AVE**



**GOODMAN AVE**



*5-A-12*

**STONE AVE**

**APPLICATION FOR ZONING VARIATION**

Application # 547

Date Filed:

UARCO #

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

(please type or print)

Application is hereby made by Marty and Marcy Dunne and Family

Address: 300 South Waiola Ave., LaGrange, Il 60525

Phone: 708 354 3322

Owner of property located at: Same address

Permanent Real Estate Index No:

Present Zoning Classification: R-4 Present Use: Single Family Residence

**Ordinance Provision for Variation from Article # 3-109** of Zoning Ordinance, to wit: rear yard buffer must be 25 feet or 20% of lot depth (whichever is greater). 35 ft. maximum

**A. Minimum Variation** of Zoning requirement necessary to permit the proposed use, construction, or development: The rear-yard buffer would be permitted to construct to 10 feet from rear property line.

**B. The purpose** therefore, is to rebuild a 70-year old 2-car garage that requires significant repair and reconstruction. Additionally, the proposed construction would eliminate a non-conformity, which is creating a fire-safety concern. The space that exists between our principal residence and unattached garage is 4-1/2 feet. The garage (which is unattached) is only 4-1/2 feet from our wooden-structured, covered back porch, which is in violation of code 3-109. The existing non-conformity (which was inherited) is in violation of the code that the minimum space needs to be 10 feet between principal residence and accessory (garage). The proposed renovation of the 2-car garage, (which would include shifting the garage toward the house 7 feet as attached to the house) would help us to eliminate the fire-safety issue that exists because the garage and house are too close without any firewall considerations.

**C. The specific feature(s)** of the proposed use, construction, or development that require a variation: The crucial adjustment is a 7-foot correction of the garage from its existing location with the intention to adjoin the garage to the house. The garage would be replaced as attached (and not detached). The garage will meet all the village requirements for "detached" garage structures and would be replaced as a two-car structure. By moving the structure 7 feet toward our home, we'd create a larger buffer between ancillary structure (garage) and property-line. This would improve the buffer between our garage and neighbor's garage from 6 feet to 13 feet.

5-17-13

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 existing garage is positioned 3 feet from rear property-line. This 70-year old garage requires re-building. The insufficient, 4-1/2 foot space between our primary home and garage, bring-into-being a barrier that prevents us from re-building a similar-sized garage without applying for village code variances.

b. A reasonable return or use of your property is not possible under the existing regulations, because: Any opportunity to reconstruct the garage in its current location would create a violation of the village zoning and would require village approvals. We couldn't even rebuild the 2 car garage (which is necessary) without creating a new non-conformity issue.

A less desirable possibility is to replace the 2 car garage and place it in the far southwestern part of the property. It is an unpleasant possibility because we'd have to add a lengthy and extensive driveway which would eat-up our landscaping and backyard green space. This alternative would completely eliminate a backyard as we have enjoyed for 41 years. The 2 car garage would butt up against three neighbors' backyards, which would be offensive to them. The garage structure, in this alternative, would become street-visible from all sides of our property.

All of my neighbors are enthusiastic about the proposed alternative to rebuild the garage as attached. The contractor and all of my neighbors agree that the best alternative is to rebuild the garage 7 feet from its existing location and attach it to the house. It would create practical and esthetic advantages to the house.

c. Your situation is unique (not applicable to other properties within that zoning district or area) in the following respect(s): The distance relationship between home and garage is already in non-compliance with the zoning code since the garage structure and home are dangerously close to one another with no firewalls (4-1/2 feet). Additionally, the existing 70 year old garage is in need of renovation. The proposed construction (attaching the garage) is practical, attractive and desirable. Additionally, attaching the garage inside of the strict safety codes of the village will ensure stability and fire-safety.

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.

The garage is too close to the house already.

5-A.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

Marcy and I purchased this home from my parents, Jim and Joan Dunne in 2001. My parents lived in this house for 35 years before selling to Marcy and me. This house (and its relationship to garage) has never changed and is a pre-existing concern that is approximately 70 years old (when the garage was built for the house).

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.

I am not aware of other historical homes in LaGrange that have comparable pre-existing characteristics which include non-conformity that exists between the primary and ancillary structures on the property.

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.

In looking to making necessary renovation to the garage, these adjustments are practical and desirable because they would amplify the existing distance between my home and garage and my neighbor's home and garage.

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 construction would be in harmony with all other codes. The construction would preserve the character of the existing home and enhance the utility of the home. Additionally, the adjustment would attempt to reduce a non-conformity that exists which creates a fire-safety concern. The construction will fit well within all building coverage requirements.

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

5-1A.15

- (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.

An approval to the variation would permit the opportunity to construct and improve the home to enhance the essential character of the area. There would no detrimental effect to the community.

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.

There is no other reasonable remedy that permits us to construct a same-size garage. There is no other reasonable remedy that permits us to eliminate the safety concern. All other remedies would be received by the neighbors with opposition. There is no other remedy as good as the proposed that has the neighbors wholeheartedly enthusiastic.

Another remedy would be to relocate the detached garage to the southwest corner of the lot.

\* \* \*

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

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

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

5-A.16

- (h) Copy Reproduction (direct cost); and
- (i) Document Recordation (direct cost); and
- (j) Postage Costs (direct cost).

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

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

(Signature of Owner or Contract Purchaser)                      (Address)

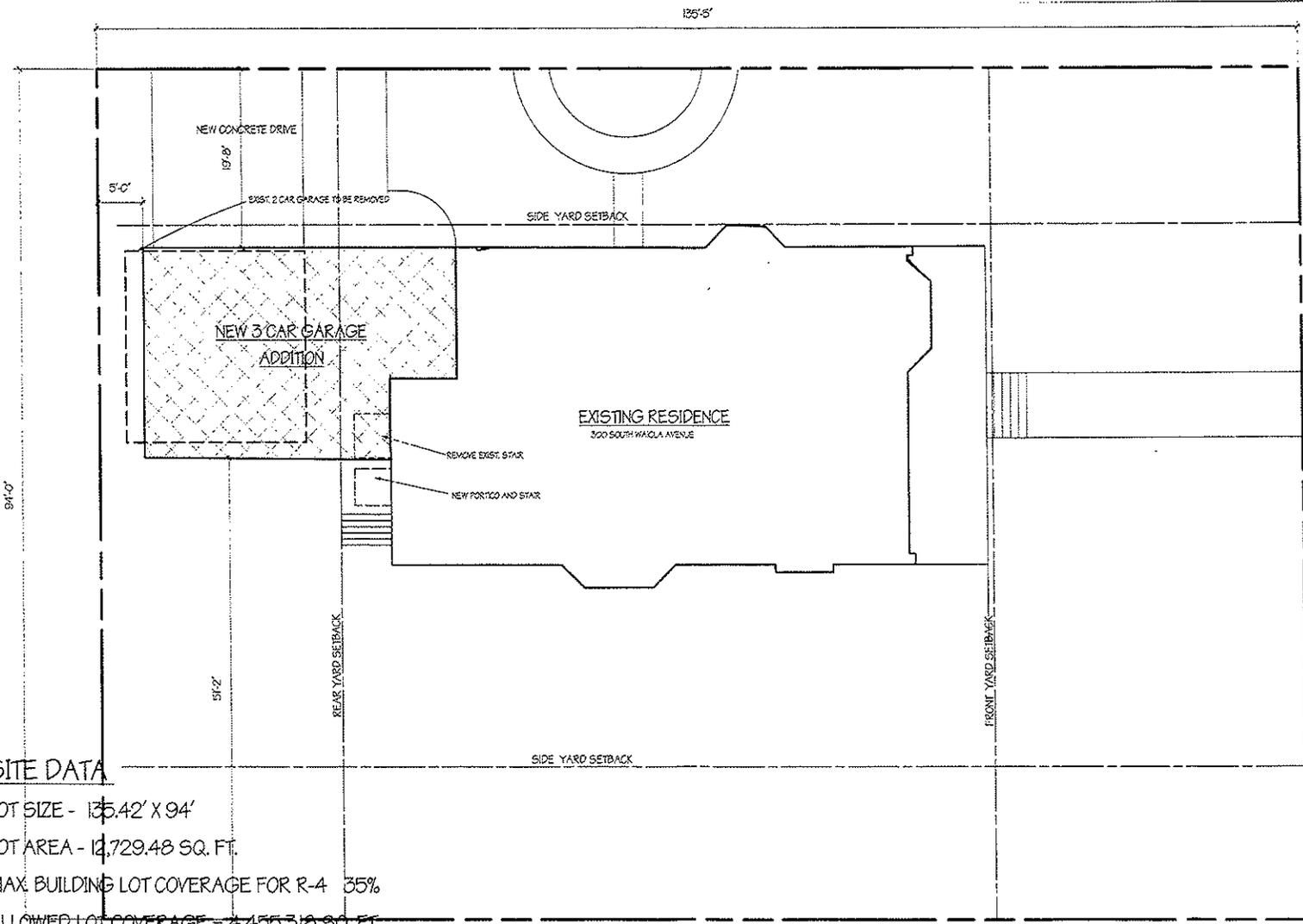
(City)    (State)    (Zip Code)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Notary Public)    (Seal)

5-A.17

5-17-18



**SITE DATA**

LOT SIZE - 135.42' X 94'  
 LOT AREA - 12,729.48 SQ. FT.  
 MAX. BUILDING LOT COVERAGE FOR R-4 35%  
 ALLOWED LOT COVERAGE = 4,455.318 SQ. FT.  
 EXIST. RESIDENCE SQ. FT. = 2,326 SQ. FT.  
 NEW GARAGE = 752 S.F.  
 NEW STAIR AND PORTICO = 54 S.F.  
 NEW LOT COVERAGE 3,132 S.F.

**SITE PLAN**  
 SCALE: 3/16" = 1'-0"

REVISIONS

DATE: 05/22/06  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

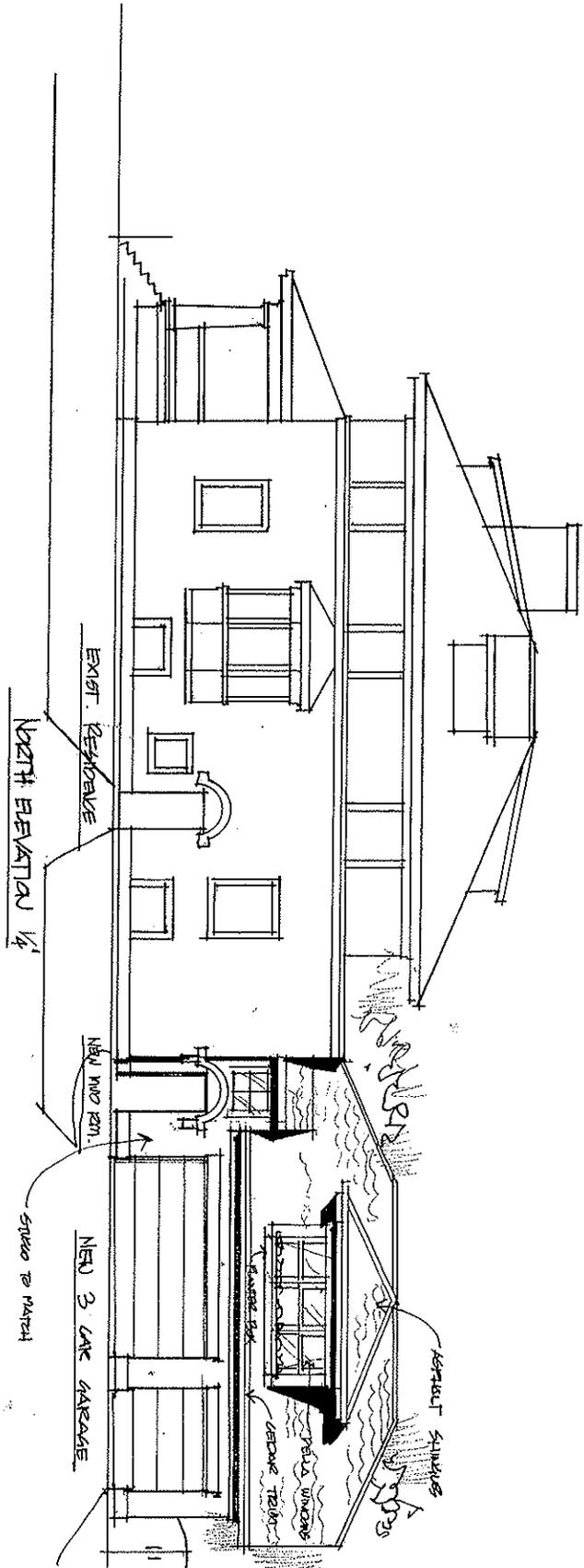
**LARSON ~ KRAMER  
 AND ASSOCIATES LTD. ARCHITECTS - ENGINEERS**  
 701 N. YORK ROAD / HINSDALE, IL 60521 / PHONE: 630.351.8284

**LK**

PROPOSED ADDITIONS AND ALTERATIONS TO THE  
 MR. AND MRS. MARTIN DUNNE RESIDENCE  
 300 SOUTH WAIOLA AVENUE LA GRANGE, ILLINOIS  
 ARCHITECTURAL SITE PLAN

DRAWN NO.  
 OF A-1

PROPOSED NEW 3 CAR GARAGE FOR  
 THE DUNNE RESIDENCE  
 300 S. WAIDLA AVE.  
 LA GRANGE, ILLINOIS



REMOVED 1/2016

3

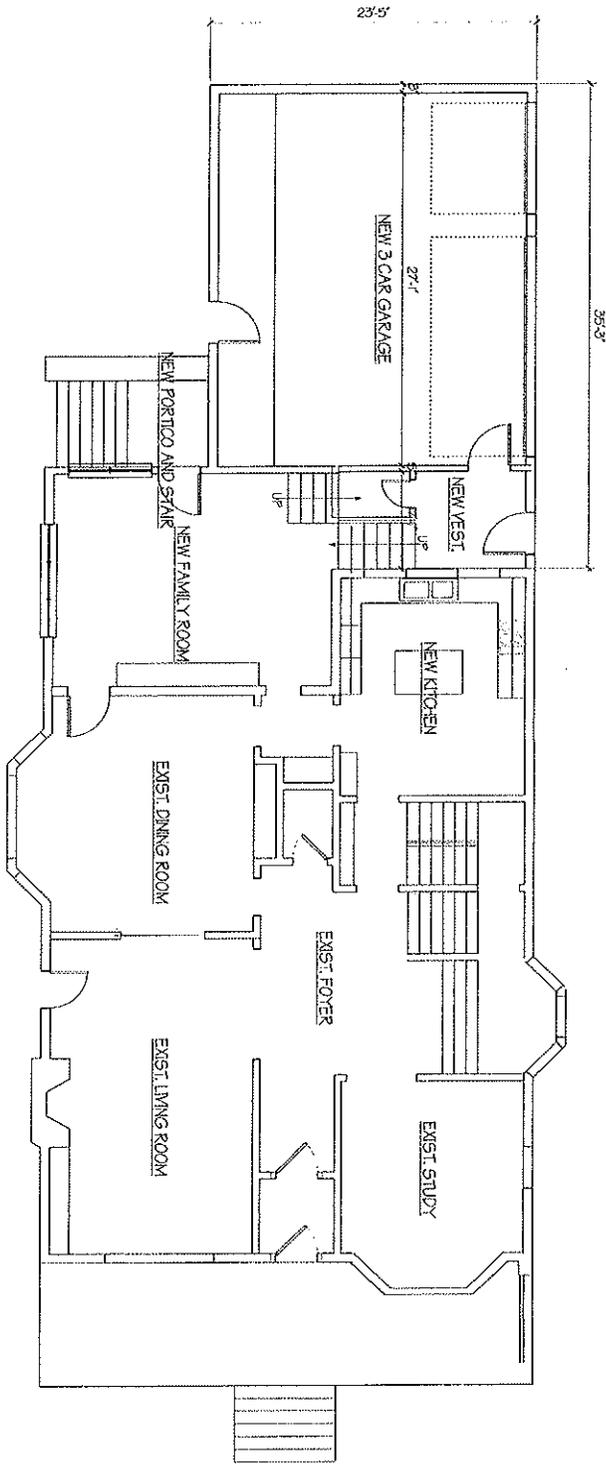
DUNNE RESIDENCE  
 ELEVATION



LARSON-KRAMER  
 AND ASSOCIATES LTD. ARCHITECTS - ENGINEERS  
 701 N. YORK ROAD / HINSDALE, IL. 60521 / PHONE 630 331-2184 FAX 630 331-2200

THIS REPRESENTATION FROM  
 PLAN, SPECIFICATIONS AND  
 CONTRACT DOCUMENTS IS FOR  
 THE EXCLUSIVE USE OF THE  
 CLIENT AND IS NOT TO BE  
 REPRODUCED OR TRANSMITTED  
 IN ANY FORM OR BY ANY  
 MEANS, ELECTRONIC OR  
 MECHANICAL, INCLUDING  
 PHOTOCOPYING, RECORDING,  
 OR BY ANY INFORMATION  
 STORAGE AND RETRIEVAL  
 SYSTEM, WITHOUT THE  
 WRITTEN PERMISSION OF  
 LARSON-KRAMER AND  
 ASSOCIATES LTD.

5-A.19



MAIN LEVEL FLOOR PLAN  
SCALE 1/4" = 1'-0"

PREPARED FOR VACATION REVIEW JANUARY 20, 2000

DRAWN BY DATE SCALE PROJECT NO.	PROPOSED ADDITIONS AND ALTERATIONS TO THE MR. AND MRS. MARTIN DUNNE RESIDENCE 300 SOUTH WAIOLA AVENUE LA GRANGE, ILLINOIS		<b>LARSON ~ KRAMER</b> AND ASSOCIATES LTD. ARCHITECTS - ENGINEERS 701 N. YORK ROAD. / HINSDALE, IL, 60521 / PHONE 630 316 0384 FAX 630 316 2300	THIS PLAN TO CLARIFY THAT THESE PLANS AND INTERPRETATION WILL BE MADE BY THE CLIENT THROUGH REPRESENTATION TO THE ILL. STATE ARCHITECTS BOARD IN THE APPROVAL CONCERNING THE APPROVAL CODES AND ORDINANCES OF THE STATE OF ILLINOIS
	MAIN LEVEL FLOOR PLAN	1/4" = 1'-0"		

5-A-20

10-10-5

I have reviewed the Dunne's Proposed Garage and whole-heartedly support this proposed construction. Additionally, I have reviewed all proposed alternatives for the garage renovation and the application for variance. I believe the proposed attached garage is the most logical, attractive, and preferred alternative.

<p><i>Judy Byrnes</i></p>	<p><i>[Signature]</i></p> <p><i>[Signature]</i></p> <p><i>[Signature]</i></p>	<p>Waiola</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><i>Quita Maloney</i></p> <p>300 <input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><i>[Signature]</i></p> <p><i>out of town</i></p> <p>no</p>	<p>Stone</p> <p><i>[Signature]</i></p>
---------------------------	---	---------------	---	---	--

Maple

<p><i>[Signature]</i></p> <p><i>Cinny Hill</i></p>	<p><i>[Signature]</i></p> <p><input type="checkbox"/></p>		<p><i>[Signature]</i></p> <p><input type="checkbox"/></p> <p><i>[Signature]</i></p>	<p><i>[Signature]</i></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
--	---	--	---	---	---------------------------------

*[Signature]*

2014-5

I have reviewed the Dunne's Proposed Garage and whole-heartedly support this proposed construction. Additionally, I have reviewed all proposed alternatives for the garage renovation and the application for variance. I believe the proposed attached garage is the most logical, attractive, and preferred alternative.

Resident NAME	Address	Comments
Heidi Delleman	505 W. Maple Ave.	Completely agree! maintains neighborhood character! Great addition!
Laureen Dunne Silver	228 S. Waiola Ave.	The plans are gorgeous. I hope this is approved, as it is consistent with construction currently in progress throughout the village. Looks wonderful!
Cinnie Herr	237 S. Spring	The plan looks cool - they are the best neighbors I would like to see the integrity of the house preserved to the best possible way - attaching the garage would prevent undue visibility from Waiola.
Sheila Peake	317 S. Waiola	The plan fits in well with existing homes One garage is next to the Dunne's and we fully support the proposed plan!!
Maurice M. Brown	321 S. Waiola	Logical use of the space!!
John Cooke	240 S. Waiola	Looks great
Katherine Orvell	301 S. Stone	we love it!
Judy Byrnes	300 S. Spring	Still preserving the beauty of this hood!
Anthony	341 S. Stone	
Steven Mlynski	309 S. Stone	
Gayle Ziolkowski	300 S. Stone	
	351 S. Waiola	

5-14-23

I have reviewed the Dunne's Proposed Garage and whole-heartedly support this proposed construction. Additionally, I have reviewed all proposed alternatives for the garage renovation and the application for variance. I believe the proposed attached garage is the most logical, attractive, and preferred alternative.

Resident NAME	Address	Comments
Julia Maloney	310 S. Waiola	I think this plan looks great. It is in keeping with the original footprint + true to the style of the original structure.
Ray Lee	351 S Waiola	
Paul Rosinski	241 S. Waiola	

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, Planner

DATE: April 10, 2006

RE: **ORDINANCE - VARIATION - MAXIMUM BUILDING COVERAGE/  
VYTAUTAS BERZANSKIS, 737 S. WAIOLA AVENUE**

---

Vytautas Berzanskis, owner of the property at 737 South Waiola Avenue, has applied for a variation from Maximum Building Coverage requirements in order to construct an addition to an attached garage on the front of the house. The subject property is located in the R-4 Single Family Residential Zoning District. The property in question is typical of lots between 47<sup>th</sup> Street and 53<sup>rd</sup> Street, and Brainard to Madison Avenue.

Maximum building coverage for this property is 30% or 2,019.75 square feet. Currently this property exceeds maximum building coverage by 178.55 square feet or 8.8%. The applicant wishes to construct an addition to an attached garage, which would increase building coverage to 2,397.76 square ft., an excess of 378 square feet, or 18.7%. The Zoning Code allows an increase in the maximum building coverage with a variance by not more than 20%. The requested variation falls within the authorized limits of the Zoning Code.

According to the petitioners, a two-car garage would provide a space to park two vehicles on the lot. Currently, there is no access to the rear yard to create a second parking space. In addition, parking is not permitted on the street or in the required front yard. The proposed four-foot porch is the minimum required by the Building Code. In 2002, the Village granted a variation for a similar façade project on the applicants' block at 121 S. Spring.

On March 16, 2006, the Zoning Board of Appeals held a public hearing on this matter and voted unanimously to recommend that the variation be granted as requested. The petitioners agreed to an additional condition that in no case could subsequent additions, including the second floor, exceed double the square footage of the existing footprint. The applicant had no objection to this condition. If approved, the attached ordinance will be recorded against the property in the Cook County Recorder's office. That recording will assure that future owners of the property will have knowledge of the condition and be bound by it. This is the process recommended by the Village Attorney.

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

5-B

VILLAGE OF LA GRANGE

ORDINANCE NO. O-06-

AN ORDINANCE APPROVING ZONING VARIATION  
FROM MAXIMUM BUILDING COVERAGE  
FOR 737 S. WAIOLA AVENUE.

WHEREAS, Berzanskis Vytautas (the "Applicant"), the legal owner of a certain tract of land commonly known as 737 S. Waiola Avenue, La Grange, Illinois, (the "Subject Property") and legally described as follows:

Lot 255 in Spring Gardens, a subdivision of the east ½ of the west ½ of the northwest ¼ and the East ½ of the Northwest ¼ of the southwest ¼ of Section 9, Township 38 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

has filed application with the Village of La Grange (the "Application") seeking approval of a variation from maximum building coverage standards of the La Grange Zoning Code for an addition to the subject property; and

WHEREAS, the Subject Property is classified in the Village's R-4 Single Family Residential District pursuant to the Zoning Code; and

WHEREAS, the La Grange Zoning Board of Appeals conducted a public hearing on March 16, 2006, pursuant to notice thereof duly published in the *Suburban Life*, to consider the request for variation from the maximum building coverage standards of the R-4 District and after the conclusion of the public hearing the Zoning Board of Appeals, finding that the Application satisfied the standards established in Section 14-303 of the La Grange Zoning Code for the grant of variation, recommended approval of the requested variation; and

WHEREAS, the President and Board of Trustees of the Village of La Grange have reviewed and considered the findings and recommendations of the Zoning Board of Appeals, all of the matters relating to the Applications, and all of the facts and circumstances, and they have determined that the Application satisfies the standards established in Section 14-303 of the Zoning Code for approval of the variation; provided, however, that it is appropriate to impose certain conditions on the development of the lot, as provided in this Ordinance, so the development will not threaten to violate the purposes of the La Grange Zoning Code to implement and foster the goals and policies of the Village's Official Comprehensive Plan, to protect the scale and character of the existing residential areas of the Village from the encroachment of incompatible uses;

5-B.1

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

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

Section 2. Approval of Variation. The Board of Trustees, pursuant to the authority vested in it under the laws of the State of Illinois and Chapter 154 of the La Grange Code of Ordinances, hereby approves the following variation for the Subject Property, subject to the condition set forth in Section 3 of this Ordinance:

- A variation of 18.7% from Paragraph 3-110E1 (Maximum Building Coverage) of Chapter 154 of the La Grange Code of Ordinance, to construct an addition on the Subject Property in conformance with the plans submitted to the Zoning Board of Appeals.

Section 3. Condition. The approvals granted in Section 2 of this Ordinance is granted expressly and specifically subject to all of the following conditions:

- No Other Variations. Except only for the variations approved by this Ordinance, no variations from any Zoning Code standard applicable within the R-4 District shall be granted for the subject property; the Board of Trustees hereby specifically finds and determines that the standards set forth in the Zoning Code for variations cannot be met for any such variation.
- Subsequent additions, including a second floor shall not exceed double the square footage of the existing footprint.

Section 4. Revocation. The Board of Trustees may revoke the approval granted in Section 2 of this Ordinance upon the violation of any term, restriction, or condition of this Ordinance or of any applicable Village code, ordinance, or regulation.

Section 5. Recording. The Village Clerk shall cause this Ordinance to be recorded promptly with the Cook County Recorder of Deeds against the Subject Property and each individual lot created therein.

Section 6. 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.

PASSED this \_\_\_ day of \_\_\_\_\_ 2006.

AYES:

5-B.2

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2006.

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

ATTEST:

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

5-B.3

**FINDINGS OF FACT**

ZONING BOARD OF APPEALS  
OF THE  
VILLAGE OF LA GRANGE

March 16, 2006

President Asperger and  
Board of Trustees

RE: **ZONING CASE #546 - VARIATION -- MAXIMUM BUILDING COVERAGE/  
VYTAUTAS BERZANSKIS, 737 SOUTH WAIOLA AVENUE**

The Zoning Board of Appeals transmits for your consideration, its recommendations for a request of zoning variation necessary to construct an addition to an existing one car attached garage on the property at 737 South Waiola.

**I. THE SUBJECT PROPERTY:**

The property in question is a single family residential lot with a 50 foot width and a depth of 134.65 feet.

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

The subject property is located in the R-4 Single Family Residential District.

**III. VARIATIONS SOUGHT:**

The applicant desires a variation from Paragraph 3-110E1 (Maximum Building Coverage) of the La Grange Zoning Code. The applicant wishes to exceed the allowable building coverage by 18.7%. At the public hearing, the applicant requested a variation to allow for the construction of an attached garage on the subject property. Subparagraph 14-303E1(c) (Authorized Variations) allows the increase of the maximum allowable building coverage by no more than 20%. The requested variation falls within the authorized limits of the Zoning Code.

**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 in the La Grange Village Hall Auditorium on March 16, 2006. Present were Commissioners Nancy Pierson, Paul Kralovec, Nathaniel Pappalardo, Charles Benson, Jr., and Chairperson Ellen Brewin presiding. Also present was Staff Liaison, Angela Mesaros. Testimony was given under

5-B.4

oath by the applicants. No objectors appeared at the hearing and no written objections have been filed to the proposed variation.

Chairperson Brewin swore in Vytautas Berzanskis, owner of the subject property, 737 South Waiola, who presented the application and answered questions from the Commissioners:

- . The petitioner stated the house is a small one-story house with only a one car garage, but currently exceeds maximum building coverage.
- . He is asking to construct a two car garage on the front of the house.
- . The petitioner stated that he needs the garage to comply with the rules of the Village because he cannot park on the street.
- . Many of the houses in the neighborhood have two or three car garages.
- . With this addition the property would lose some yard, but overall the project would not make a difference for the neighbors, according to the petitioner.
- . Chairperson Brewin solicited questions from the Commissioners.
- . Commissioner Kralovec asked if there was any other alternative besides concrete. Answer: no.
- . Commissioner Pierson asked if the neighbors directly adjacent have signed the petition. Answer: yes.
- . Chairperson Brewin asked if the proposed garage is the smallest garage necessary. Answer: yes. Chairperson Brewin further asked if there would still be room for two cars. Answer: yes.
- . Chairperson Brewin asked where they park the cars now. Answer: In front of their garage. Ms. Mesaros stated that by code they are not permitted to park vehicles in the required front yard.
- . Commissioner Pappalardo asked if the second story addition proposed was absolutely necessary. Mr. Berzanskis stated their grandmother plans to move in with them so they need the additional space.

5-B.5

Chairperson Brewin asked what effect the large second story addition would have on the neighbors beside them. Mr. Berzanskis answered that their house is just as tall.

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

1. Unique Physical Condition:

This zoning lot is typical of lots in the R-4 Single Family Zoning District between 47<sup>th</sup> Street and 53<sup>rd</sup> Street and Brainard Avenue to Madison Avenue. The lot measures approximately 50 feet wide by 134.65 feet deep (6,732.50 sq. ft.). According to the petitioner, the property is unique, because it is a one-story house; therefore, the livable area occupies more of the lot than a two story house would.

2. Not Self-Created:

According to the petitioner, they have made no modifications to the property since purchasing it.

3. Denied Substantial Rights:

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

4. Not Merely Special Privilege:

The petitioner seeks to expand an existing attached garage to accommodate two cars and storage space.

5. Code and Plan Purposes:

The Zoning Code requires two parking spaces for each single family residence, and the Village does not allow overnight parking on the street. Therefore, according to the petitioner, he seeks a variation to expand an existing one car garage in order to park two vehicles.

5-B.6

6. Essential Character of the Area:

Granting a variation would seemingly not adversely affect the character of the neighborhood.

7. No Other Remedy:

According to the petitioner, a variation is the only possible course of action to park two vehicles on the lot. There is currently no access to the rear yard to create another parking space in the back yard. The petitioner could construct an uncovered paved, parking area in front of his house.

**V. FINDINGS AND RECOMMENDATION:**

- . Chairperson Brewin stated that in today's society most people have two-car garages.
- .. Commissioner Kralovec stated that the applicant is asking for the garage, and he is concerned that they balance the requirements of what the Zoning Code allows on the lot.
- . Chairperson Brewin stated that she is concerned about the size of the house with the new second floor addition and the variation.
- . Commissioner Pappalardo stated that if this were new construction the square footage and variation would not be granted.
- . Commissioner Pierson stated that on either side of the property the houses are larger than the subject property.
- . Commissioner Benson stated that the reason for the lot coverage regulation has to do with site coverage and drainage and that the second story wouldn't make a difference.
- . Commissioner Pappalardo stated that he is concerned that the net effect of granting the variance for the garage coverage issue leads to a structure that is two stories and 35% coverage.
- . Chairperson Brewin stated that she is somewhat uncomfortable with this variation.
- . Commission Benson stated that the petitioner is asking for the garage, and he could come in and get a building permit for the second floor. The Zoning Board is not here to consider the second floor.

5-B.7

Commissioner Pappalardo stated that this is not in the spirit of the ordinance and he would recommend that they put a limitation on the variation so that it allows flexibility to require the addition stay within the existing 30% footprint.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Kralovec and seconded by Commissioner Pierson that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the application with the condition that in no case would subsequent additions, including a second floor, exceed double the square footage of the existing footprint.

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommended approval to the Village Board of Trustees by a 5/0/0 vote that variation from Paragraph 3-110E1 (Maximum Building Coverage) be approved to allow the construction of an addition at 737 South Waiola.

Motion Carried by a roll call vote (5/0/0).

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

Respectfully submitted:

Zoning Board of Appeals of the  
Village of La Grange

BY: Ellen Brewin  
Ellen Brewin, Chairperson

5-13.8

**FINDINGS OF FACT**

ZONING BOARD OF APPEALS  
OF THE  
VILLAGE OF LA GRANGE

March 16, 2006

President Asperger and  
Board of Trustees

RE: **ZONING CASE #547 - VARIATION - REAR YARD SETBACK/MARTY AND MARCY  
DUNNE, 300 SOUTH WAIOLA AVENUE**

The Zoning Board of Appeals transmits for your consideration, its recommendations for a request of zoning variation necessary to construct an attached garage on the property at 300 South Waiola Avenue.

**I. THE SUBJECT PROPERTY:**

The property in question is a single family residential lot with a 94 foot width and a depth of 135.42 feet.

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

The subject property is located in the R-4 Single Family Residential District.

**III. VARIATIONS SOUGHT:**

The applicant desires a variation from Paragraph 3-110C4 (Rear Yard Setback) of the La Grange Zoning Code. The applicant wishes to encroach into the required setback by 22 feet.

At the public hearing, the applicant requested a variation to allow for the construction of an attached garage on the subject property. Subparagraph 14-303E1(a) (Authorized Variations) allows the reduction of any required yard setback. 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 in the La Grange Village Hall Auditorium on March 16, 2006. Present were Commissioners Nancy Pierson, Paul Kralovec, Nathaniel Pappalardo, Charles Benson, Jr., and Chairperson Ellen Brewin presiding. Also present was Staff Liaison, Angela Mesaros. Testimony was given under oath by the applicants. No objectors appeared at the hearing and no written objections have

5-13.9

been filed to the proposed variation.

Chairperson Brewinswore in Marty and Marcy Dunne, owners of the subject property, 300 South Waiola, who presented the application and answered questions from the Commissioners:

- . Mr. Dunne stated that Village staff met with him in January to discuss the possibility of replacing the portico and mud room. As existing the house is too close to the garage. The garage is approximately four feet from the house and the code requires that they be at least 10 feet apart.
- . The proposal is to tear down the existing garage and rebuild a three car attached garage.
- . This requires a variation from the rear yard setback requirement.
- . The proposed garage would reduce the risk of fire that exists because the garage is currently too close to the house.
- . The Petitioner proposes to rebuild the garage further from the neighbor's house. It now sits at three feet and will be moved to five feet from the rear yard line.
- . The original proposal was for a 19 foot tall garage. The architect requests a height of 22 feet so that the garage will aesthetically look better and blend in with the roofline of the existing house.
- . The second story of the garage will be used exclusively for storage and an office for kids to do homework.
- . Currently only 15% of the property is covered by the house and they would only propose to add 1% more to the coverage.

Chairperson Brewin solicited questions from the Commissioners:

- . Chairperson Brewin stated that the Village has given people variations in the past for two car garages. She asked why the Petitioner needed a three car garage. Mr. Dunne stated that it is not essential since they only have two cars. However, most homes being built on lots similar to theirs have three car garages.

Chairperson Brewin solicited questions and comments from the audience:

5-B.10

For properties similar in size to the petitioners' lot, the maximum allowable gross floor area for a detached garage is 660 square ft, which is close in size to the proposed attached garage.

5. Code and Plan Purposes:

With the requested variation, the petitioners' house would meet the Zoning Code requirements for maximum building coverage and side and front yard setbacks.

6. Essential Character of the Area:

By Code, the petitioners could construct a detached garage, with a firewall, that is setback only 3 ft. from the rear lot line in the same location as the existing garage, which has no firewall. The proposed attached garage would be setback 2 feet further than this requirement with a 5 foot rear yard setback.

7. No Other Remedy:

Other remedies for a garage and mud room on the subject property would be (1) construct a detached garage on the southwest corner of the property, or (2) construct the mud room and portico addition and reconstruct the detached garage with a firewall.

**V. FINDINGS AND RECOMMENDATION:**

Chairperson Brewin stated that in the past the Village has approved a minimum of a two car garage and she is concerned about setting a precedent for future cases with a three car garage.

Chairperson Brewin stated that there are places on the lot where the Petitioner could construct a two-car detached garage.

Commissioner Pappalardo stated that in effect this is putting the garage in the rear yard. This case is a little unusual because the house is setback in the yard; however, it sits on a very large lot. This is a unique situation, it just happens to be attached because the original detached garage does not meet the code.

Chairperson Brewin stated that this is an opportunity to maintain green space on the lot.

Commissioner Pappalardo stated that this proposal balances a substantial encroachment with green space in the large lot. Commissioner Pappalardo further stated the building coverage is well below the maximum allowable.

5-13.11

Chairperson Brewin stated that the garage needs extra mass to balance the mass of the house. Therefore, in this case, a three-car garage would make sense.

Commissioner Benson stated that the Petitioner is proposing to replace a substandard structure with one that meets code.

There being no further questions or comments from the audience or the Commissioners, a motion was made by Commissioner Benson and seconded by Commissioner Kralovec that the Zoning Board of Appeals recommend to the Village Board of Trustees approval of the application submitted with ZBA Case #547.

BE IT THEREFORE RESOLVED that the Zoning Board of Appeals recommended approval to the Village Board of Trustees by a 5/0/0 vote that variation from Paragraph 3-110C4 (Rear Yard Setback) be approved to allow the construction of a 22 foot high attached garage at 300 South Waiola.

Motion Carried by a roll call vote (5/0/0).

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

Respectfully submitted:

Zoning Board of Appeals of the  
Village of La Grange

BY: Ellen Brewin  
Ellen Brewin, Chairperson

5-B.12

## STAFF REPORT

**CASE: ZBA #546 - Vytautas Berzanskis, 737 S. Waiola - Maximum Building Coverage**

### **BACKGROUND**

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

The petitioner wishes to construct an approximately 200 square feet addition to an existing one-car attached garage on the front of his house. With the addition, the petitioner would have a two-car attached garage. Maximum Building Coverage for this property is 2,019.75 square feet or 30%. Currently the house exceeds the allowable building coverage and covers 2,198.30 square feet or 32.70% of the lot (excess of 8.8%). The proposed attached garage would increase building coverage to 2,397.76 square ft or 35.6% of the lot (excess of 18.7%).

With the proposed addition, the property would exceed the Maximum Building Coverage of 30% set forth in Paragraph 3-110E1 by 18.7%. Subparagraph 14-303E1(c) (Authorized Variations) allows the increase of the maximum allowable building coverage by no more than 20%. The requested variation falls within the authorized limits of the Zoning Code.

### **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."*

This zoning lot is typical of lots in the R-4 Single Family Zoning District between 47<sup>th</sup> Street and 53<sup>rd</sup> Street and Brainard Avenue to Madison Avenue. The lot measures approximately 50 feet wide by 134.65 feet deep (6,732.50 sq. ft.). According to the petitioner, the property is unique, because it is a one-story house; therefore, the livable area occupies more of the lot than a two story house would.

**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*

5-B.13

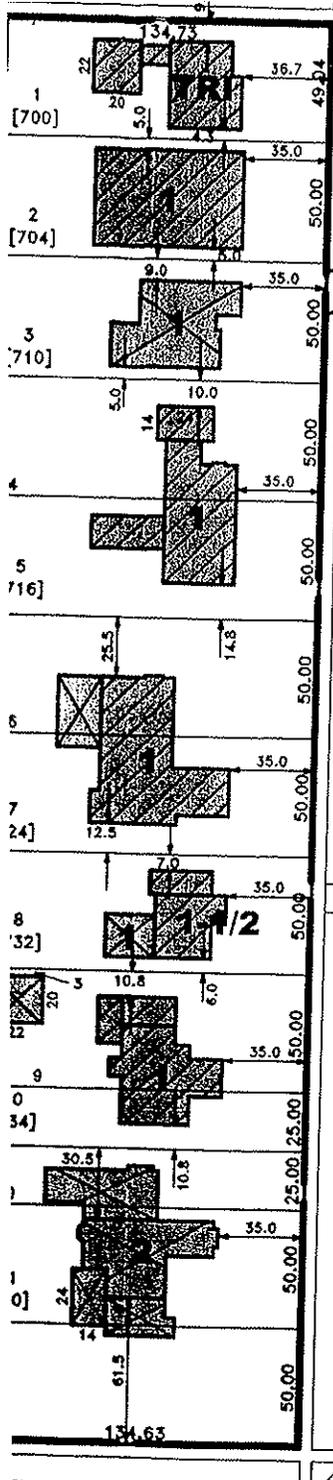
- d. *Would unduly increase the danger of flood or fire; or*
- e. *Would unduly tax public utilities and facilitates in the area; or*
- f. *Would endanger the public health or safety."*

Granting a variation would seemingly not adversely affect the character of the neighborhood.

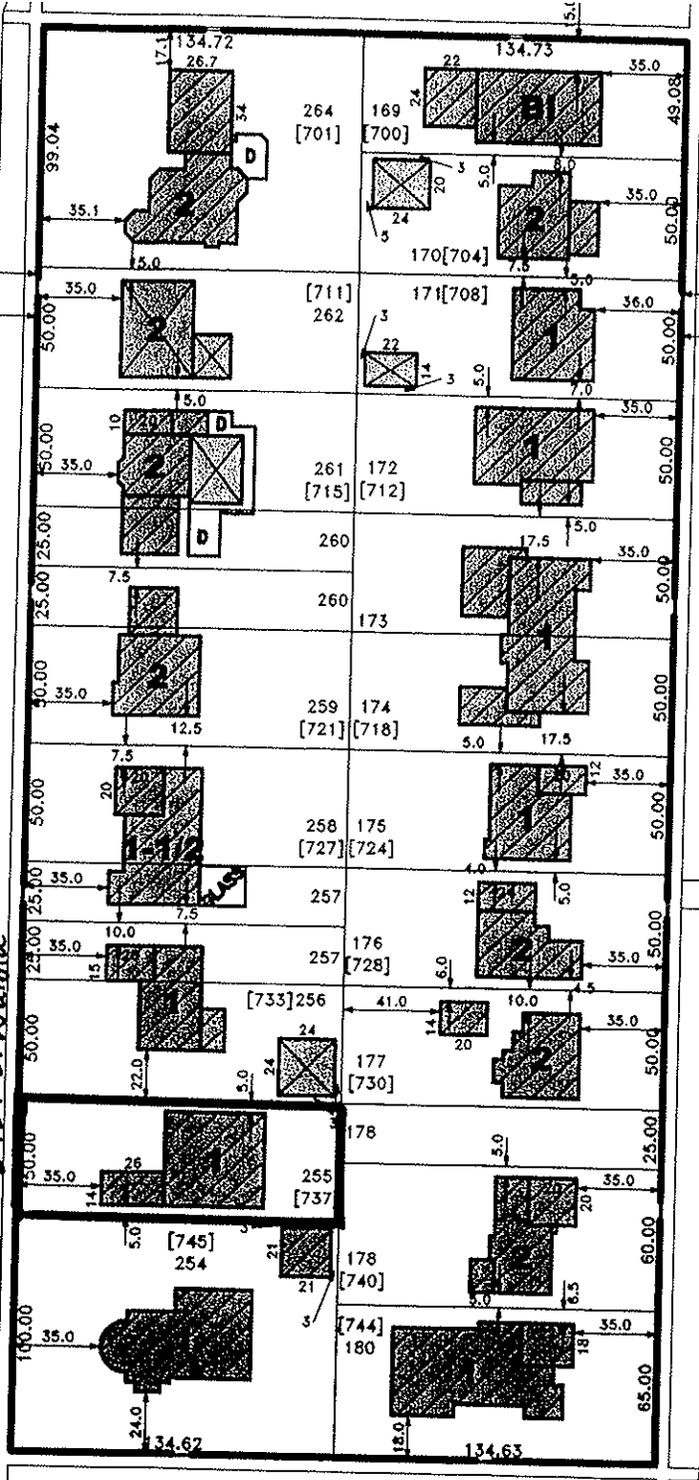
**No Other Remedy** - *"There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property."*

According to the petitioner, a variation is the only possible course of action to park two vehicles on the lot. There is currently no access to the rear yard to create another parking space in the back yard. Another remedy for a second parking space would be to construct a carport. However, this option would not meet the maximum allowable building coverage requirements. Finally, the petitioner could construct an uncovered paved, parking area in front of his house.

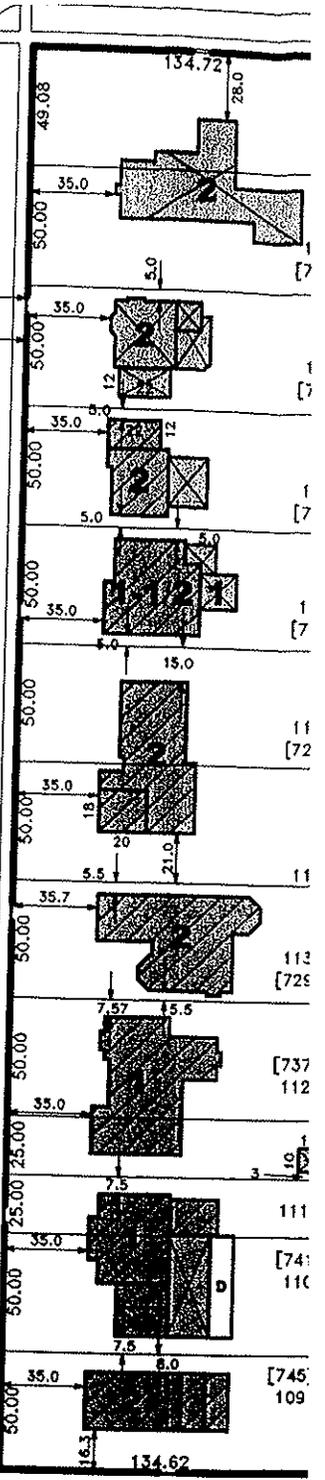
5-B.14



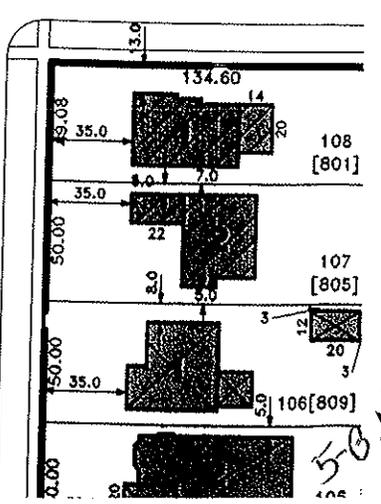
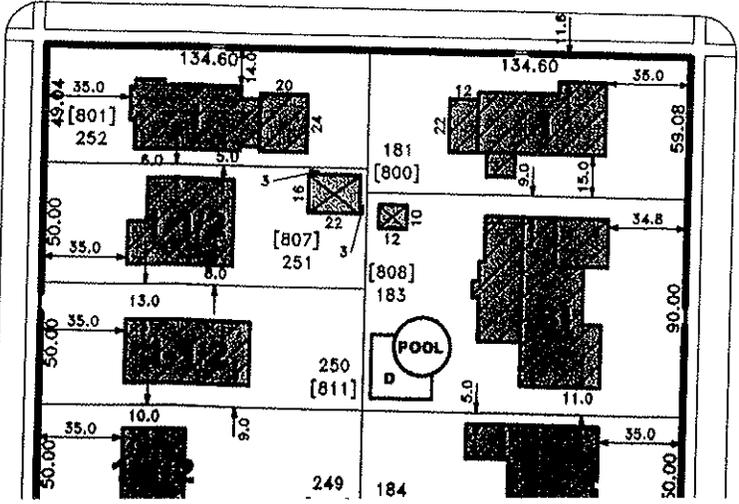
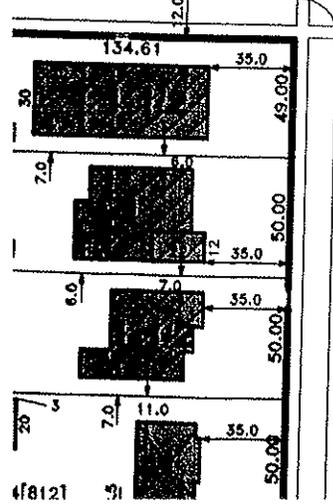
**WAIOLOA**  
 33' 33'  
 66'  
 737 S. Waiola



**SPRING**  
 33' 33'  
 66'



**50TH**



50.15

APPLICATION FOR ZONING VARIATION

Application # 546  
Date Filed: 01-17-06  
UARCO # 79657

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

(please type or print)

Application is hereby made by BERZANSKIS VYTAUTAS

Address: 737 S. WAIOLA AVE Phone: 708-646-3271

Owner of property located at: 737 S. WAIOLA AVE

Permanent Real Estate Index No: 18-09-118-010

Present Zoning Classification: R4 Present Use: single family residence

Ordinance Provision for Variation from Article # 3-110E1 of Zoning Ordinance, to wit: \_\_\_\_\_

MAXIMUM BUILDING COVERAGE

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

18.7% variation from maximum building coverage

B. The purpose therefor, to have a bigger garage

C. The specific feature(s) of the proposed use, construction, or development that require a variation: \_\_\_\_\_

Bigger garage

5-B.16

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

We bought this house like this.

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.

All the houses in the neighbourhood have two or three car garages and we have only a tiny one car garage. Our 1958 style house doesn't satisfy today's living standards for our growing family of five. The permission to increase our garage would enable us to enjoy our house as our neighbours do.

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.

It is not a special privilege that we would enjoy having a two car garage, because other owners already have two or three car garages. To obey Village ruling no overnight parking on the village streets, my growing family needs to extend parking space on the property.

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 extension is in to our own property. It affects only us and no one else. The neighbours wouldn't be effected by the change. We would lose a little bit of the yard with which we are fine.

5-B.17

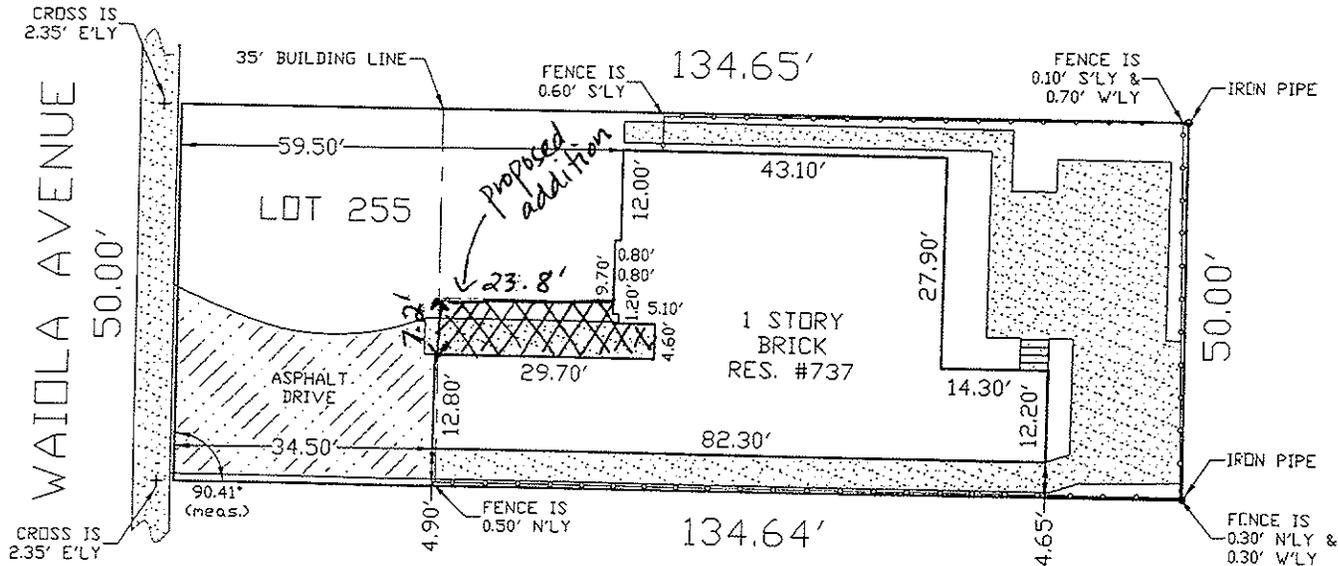
5-8-05

# Associated Surveying Group, P.C.

P.O. Box 810 Bolingbrook, IL 60440  
PH (630) 759-0205 FAX (630) 759-9291

## PLAT OF SURVEY

LOT 255 IN SPRING GARDENS, A SUBDIVISION OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 AND THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



'THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.'

State of Illinois }  
County of Will } SS

I, Michael G. Herwy, an Illinois Professional Land Surveyor, do hereby certify that I have surveyed the parcel of land hereon described and that the Plat hereon drawn is a correct representation of said survey.  
Dated, this 22nd day of JULY, A.D., 2004, at Bolingbrook, Illinois.

Michael G. Herwy CLIENT STOLA JOB No. 57870-04  
Illinois Professional Land Surveyor No. 35-2900 License Expires Nov. 30, 2004

For Building Lines, Easements and Other Restrictions not shown hereon refer to your Deed, Title Policy, Ordinance, etc.



Existing Conditions



737 S. Waiola  
02-24-06  
ZBA #546

5-B.19

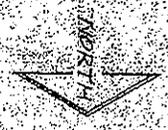
NTAUTAS BERZANSKIS  
737. S. Waiola ave

Proposed Addition

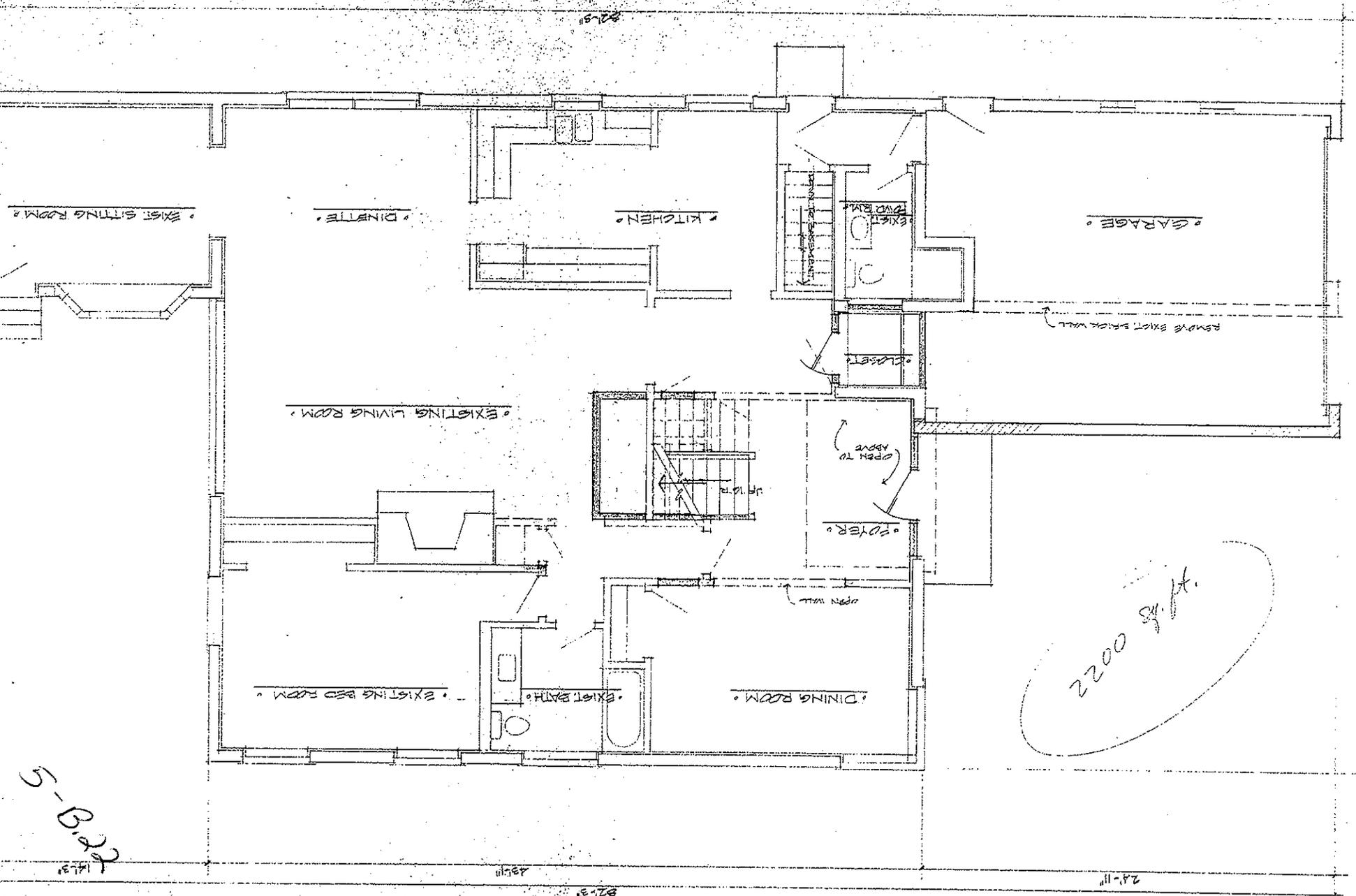
02.8-5







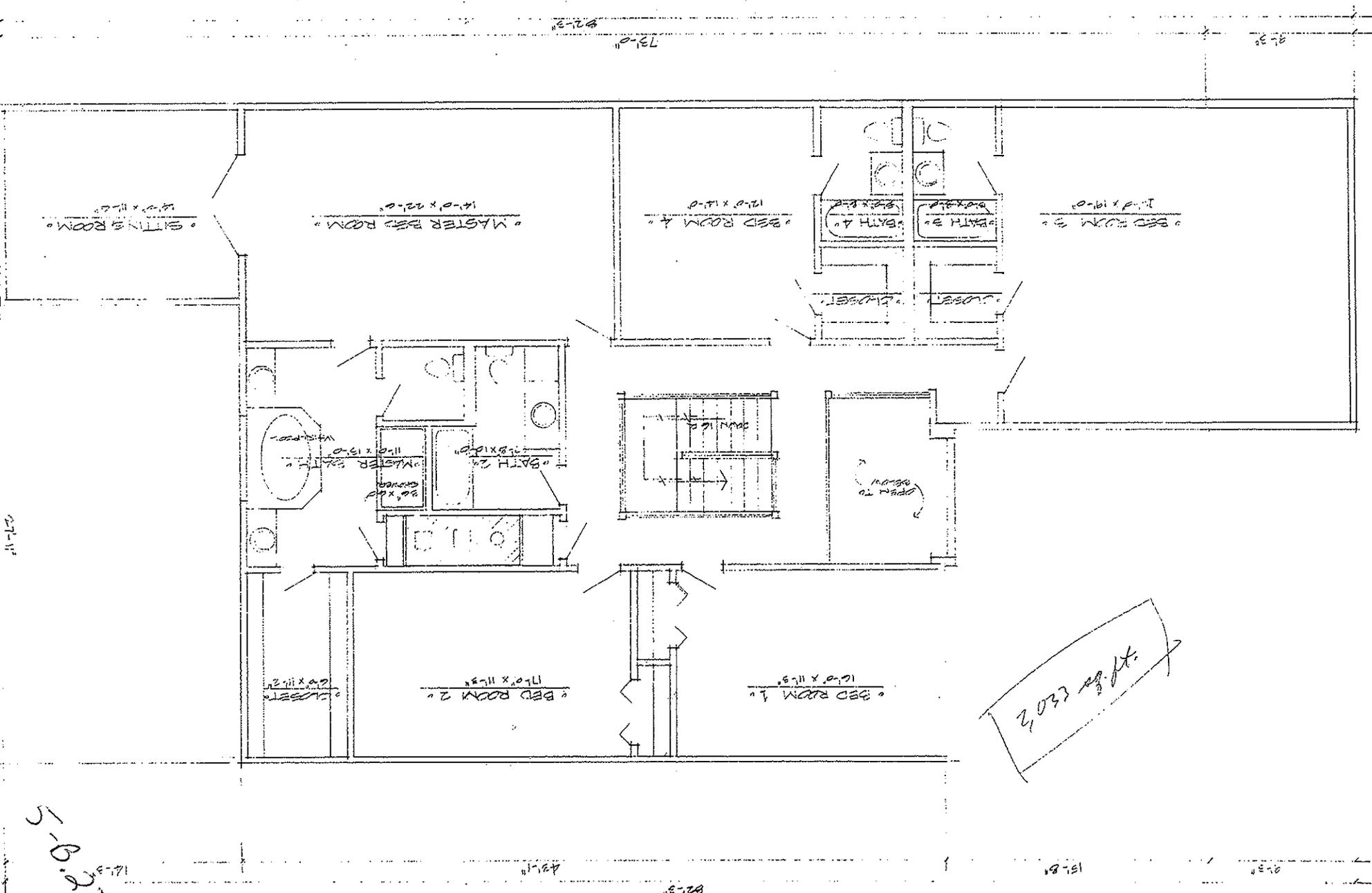
FIRST FLOOR PLAN



5-B.22



SECOND FLOOR PLAN



2037 sq. ft.  
 1302

5-B-233

VILLAGE OF LA GRANGE  
Police Department

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager and  
Michael A. Holub, Chief of Police

DATE: April 10, 2006

RE: **ORDINANCE – CHANGE IN PARKING RESTRICTIONS / 300 BLOCK  
OF W. BURLINGTON AVENUE**

---

We recently received a request from the Smothers Realty Group at 324 W. Burlington Avenue to review the one-hour, on-street parking restriction immediately in front of the group of businesses between 318-326 W. Burlington Avenue. They requested a change in time restriction to three hours.

The current one-hour, on-street parking restriction was adopted in March 1999 at the request of Oak Brook Bank when it first opened. The intent was to benefit the new businesses in the area with the redevelopment of the Jim Link Chevrolet properties.

It would be appropriate at this time to adjust the time restrictions to coincide with our prevailing on-street parking standard for commercial areas – which is two hours.

We have received favorable feedback from Sharon Marlowe, Vice President and Group Manager of the Oak Brook Bank. The 15-minute time zones that currently exist on the Kensington Street side of their business would remain as posted. Similarly, we have received the same positive comments from Mia Alexandra, and the Gammonly Group. The Smothers Realty Group is comfortable with the two-hour time restriction. Should any of the affected businesses anticipate a longer client visit, they can continue to call the Police Department and request an extension of the time restriction.

Attached for your consideration is an ordinance amending the appropriate chapter of the Village Code.

It is our recommendation that the ordinance be approved.

5-C

VILLAGE OF LA GRANGE

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 78  
OF THE LA GRANGE CODE OF ORDINANCES  
REGARDING PARKING REGULATIONS

WHEREAS, the President and Board of Trustees of the Village of La Grange have determined that it is appropriate and useful to amend the traffic and parking regulations in the manner provided in this Ordinance;

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

Section 1. Recital. The foregoing recital is incorporated into this Ordinance as a finding of the President and Board of Trustees.

Section 2. Amendment of Chapter 78. Section (E) of Schedule II, of Chapter 78, titled "Parking On The Following Streets Shall Be Limited To One Hour During Certain Times," of the La Grange Code of Ordinances shall be, and it is hereby, amended to repeal the following:

<i>Street</i>	<i>Side</i>	<i>Time</i>	<i>Location</i>
Burlington	South	9:00 a.m. to 5:00 p.m. Monday – Saturday	From Kensington Avenue to 160 feet east of Kensington Avenue

Section 3. Amendment of Chapter 78. Section (D) of Schedule II, titled "Parking On The Following Streets Shall Be Limited To Two Hours During Certain Times," of the La Grange Code of Ordinances shall be, and it is hereby, amended to add thereto the following:

<i>Street</i>	<i>Side</i>	<i>Time</i>	<i>Location</i>
Burlington	South	9:00 a.m. to 5:00 p.m. Monday – Saturday	From Kensington Avenue to 160 feet east of Kensington Avenue

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

5-c.1

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2006 pursuant to a roll call vote as follows:

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

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

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

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

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

ATTEST:

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

5-C.2

VILLAGE OF LA GRANGE  
Police Department

BOARD REPORT

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

FROM: Robert J. Pilipiszyn, Village Manager and  
Michael A. Holub, Chief of Police

DATE: April 10, 2006

RE: **ORDINANCE – CREATION OF STUDENT LOADING ZONE / 100  
BLOCK OF S. MADISON AVENUE (FIRST UNITED METHODIST  
CHURCH)**

---

The Parking Commission recently reviewed a petition from the First United Methodist Church to create a student drop-off and pick-up area for their Pre-School and Parents-Day-Out programs for their Madison Avenue entrance.

Presently, parents que along both eastbound and westbound Cossitt Avenue. They then double park/stand on southbound Madison Avenue for student drop-off/pick-up. The Church is of the opinion that prohibiting parking along the west side of Madison Avenue, between Cossitt Avenue and the driveway of the First United Methodist Church to create a loading zone would improve pedestrian safety and traffic flow in the area. The restriction prohibiting parking in this area would be on school days from September through May from 8:00 a.m. – 9:00 a.m. and from 12:15 p.m. – 12:45 p.m. On the advice of the Commission, input was solicited from the residents on the 100 block of S. Madison Avenue. A majority of residents did not object to the additional parking restriction on their block. The Parking Commission voted unanimously to recommend that the Village Board approve the proposed drop-off/pick-up area.

Staff is of the opinion that enactment of this proposal would not be in conflict with traffic exiting from the Cossitt School parent que or the four-way student crossing at either the intersection of Cossitt Avenue and Madison Avenue, or Cossitt Avenue and Ashland Avenue. Furthermore, a similar concept of restricting on-street parking to facilitate student pick-up/drop-off was approved on the first block of North Catherine Avenue in 1999 when Saint Francis Xavier's east campus opened.

This matter was previously reported to the Village Board in anticipation that the second regular Village Board meeting in March would be cancelled. With the Village Board's consent, we administratively implemented the requested change so residents who place their children in the church's programs could benefit from it that much sooner.

It is our recommendation that the ordinance be approved.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 78  
OF THE LA GRANGE CODE OF ORDINANCES  
REGARDING PARKING REGULATIONS

WHEREAS, the President and Board of Trustees of the Village of La Grange have determined that it is appropriate and useful to amend the traffic and parking regulations in the manner provided in this Ordinance;

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

Section 1. Recital. The foregoing recital is incorporated into this Ordinance as a finding of the President and Board of Trustees.

Section 2. Amendment of Chapter 78. Section (B)(1) of Schedule I, titled "Parking Shall Be Prohibited During Certain Hours on The Following Streets," of the La Grange Code of Ordinances shall be, and it is hereby, amended to add thereto the following:

<i>Street</i>	<i>Side</i>	<i>Time</i>	<i>Location</i>
Madison	West	Except school days from September through May from 8:00 a.m. until 9:00 a.m. and from 12:15 p.m. until 12:45 p.m.	From Cossitt to the driveway of the First United Methodist Church

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2006, pursuant to a roll call vote as follows:

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

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

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

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

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

ATTEST:

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

5-0.1

**VILLAGE OF LA GRANGE**  
**Finance Department**

**BOARD REPORT**

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

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

**DATE:** March 31, 2006

**RE:** **BUDGET AMENDMENTS – FISCAL YEAR ENDING APRIL 30, 2006**

---

Pursuant to Village ordinance and in compliance with Generally Accepted Accounting Principals (GAAP), expenditures may not exceed budgeted appropriations at the fund level. As the need arises, the Village Board is presented with formal requests for budget amendments from Village departments resulting from unbudgeted expenditures causing a fund or department to be over budget. Per Village policy, revisions of the annual budget that alter the total expenditures of any fund may be approved by a two-thirds vote of the Village Board.

Attached are the required budget amendment forms requesting budget adjustments resulting from unbudgeted expenditures which have been previously approved by the Village Board. Also attached is a resolution which formally incorporates the necessary budget adjustments into the FY 2005-06 Operating and Capital Improvements Budget. Sufficient reserves are available in the respective funds to fund these unbudgeted expenditures. A description of each budget amendment is presented below:

1. TIF Fund – Parking Structure

Early stages of the parking structure construction were estimated to occur in FY 2004-05 with the balance of construction budgeted in FY 2005-06. Due to the timing of the project many of these early construction costs were not incurred until FY 2005-06, resulting in the project being over budget in the current fiscal year. In addition, three change orders were presented to and approved by the Village Board during the fiscal year which need to be incorporated into the budget. Detailed below is a summary of the required budget amendment to account for expenditures carried forward from FY 2004-05 and project change orders:

5-E

Parking Structure Construction (cont.)

Original Estimated Project Cost	\$7,266,710	
Actual FY 2004-05 Expenditures	<u>(232,492)</u>	
Estimated FY 2005-06 Expenditures	7,034,218	
FY 2005-06 Budgeted Expenditures	<u>6,266,710</u>	
Sub-Total Required Budget Amendment	767,508	
Change Order #1	(8,495)	Administratively Approved
Change Order #2	27,078	Board Approved 11/14/05
Change Order #3	<u>21,738</u>	Board Approved 02/13/06
Total Required Budget Amendment	<u>\$ 807,829</u>	

2. Capital Projects Fund – Utility System Relocation Project.

In preparation for the construction of the parking structure it was necessary to relocate and bury the overhead utility lines in the alley behind Village Hall. This entire project was budgeted to be completed in FY 2004-05. Again, due to the timing of the project many of the costs were not incurred until FY 2005-06, resulting in the project being over budget in the current fiscal year. In addition, several change orders were presented to and approved by the Village Board through the fiscal year which need to be incorporated into the budget. Detailed below is a summary of the required budget amendment to account for expenditures carried forward from FY 2004-05 and project change orders:

Original Estimated Project Cost	\$ 650,000	
Actual FY 2004-05 Expenditures	<u>(254,856)</u>	
Estimated FY 2005-06 Expenditures	395,144	
FY 2005-06 Budgeted Expenditures	<u>-0-</u>	
Sub-Total Required Budget Amendment	395,144	
Change Order #1	4,250	Board Approved 11/14/05
Change Order #2	4,528	Board Approved 11/14/05
Change Order #3	17,897	Board Approved 11/14/05
Change Order #4	4,250	Board Approved 11/14/05
Change Order #5	37,606	Board Approved 11/28/05
Change Order #6	<u>17,195</u>	Board Approved 01/23/06
Total Required Budget Amendment	<u>\$ 480,870</u>	

5-E.1

3. Capital Projects Fund – Pedestrian Gates at Gilbert Avenue Grade Crossing

An agreement between the Village of La Grange, Village of Western Springs and the Burlington Northern SanteFe Railway to install pedestrian gates at the Gilbert Avenue grade crossing was approved at the July 11, 2005 Village Board meeting. BNSF was upgrading track circuitry and estimated they could achieve an economies of scale by performing the work at the same time. The Village also collaborated with Western Spring in receiving a grant from the West Suburban Mass Transit District to further offset the cost to the municipalities. The final cost to the Village of La Grange is \$13,660. This project was not a budgeted expenditure in FY 2005-06 and requires an amendment to formally incorporate the project into the budget.

4. ETSB Fund – Software Replacement and Upgrade

The FY 2004-05 Emergency Telephone Systems Board (ETSB) Fund budget included \$75,000 for the replacement and upgrade of the dispatching and records management software programs. Both systems were outdated and no longer met the needs of the Police Department. Due to the timing and installation of the software, final project costs of \$44,000 occurred in FY 2005-06. A budget amendment is necessary to account for expenditures carried forward from FY 2004-05. This budget amendment was discussed at the budget workshop held on March 4, 2006 and is documented in the FY 2006-07 budget notes

It is our recommendation that the resolution and budget amendments for FY 2005-06 be approved.

5-E.2

RESOLUTION R-06-\_\_\_\_\_

BE IT RESOLVED that the President and Board of Trustees of the Village of La Grange adopt the 2005-06 Operating and Capital Improvement Budget Amendment as set forth in the document as attached hereto and made a part here of.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006, pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006

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

ATTEST:

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

5-E.3







# Village of La Grange



**PUBLIC HEARING  
AND  
VILLAGE BOARD MEETING**

**MONDAY, APRIL 10, 2006**

**7:30 p.m.**

**Book 2 of 2**

Village Hall Auditorium

53 South La Grange Road

La Grange, IL 60525

Elizabeth M. Asperger  
Village President

Robert N. Milne  
Village Clerk

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: April 10, 2006

RE: **ENGINEERING SERVICES AGREEMENT / BLUFF AVENUE  
RECONSTRUCTION PROJECT ( Phase II Engineering)**

---

Our five-year capital improvements plan provides for the reconstruction of the total length of Bluff Avenue in FY 2007-08. Residents in the project corridor, which is Bluff Avenue from Burlington Avenue to 47<sup>th</sup> Street, will benefit from the installation of new combined sewers, new drainage structures, new water main, new sidewalks, new curb/gutter and street reconstruction.

The total project cost including engineering (Phases I- III) and contingencies is estimated at \$3.0 million. The project will be funded principally with federal Surface Transportation Program (STP) funds, which require a 70/30 cost sharing. The Illinois Department of Transportation (IDOT) administers STP funds on behalf of the federal government. We will use Motor Fuel Tax (MFT) funds for our 30% local match. (Water main work will be funded through the Village's Water Fund.) The Village is responsible for 100% of the cost of engineering and is then reimbursed by the State for 70% of the costs. Conversely, the State only bills the Village for our 30% share of construction costs.

Attached for your consideration is an engineering services agreement from Heuer and Associates, the Village Engineer. Mr. Heuer proposes to complete the final design and bid specifications for this project in an amount not to exceed \$197,396.30. The Capital Projects Fund reflects \$90,000 in FY 2005-06 and \$90,000 in FY 2006-07 for these professional services. Based upon Mr. Heuer's estimate of design time, \$50,000 will be expended this fiscal year and the remaining balance of \$147,396.30 will be expended in FY 2006-07. We propose a budget amendment at this time to reflect this reallocation of funds between fiscal years in the amount of \$40,000 and increase the budget for Phase II engineering services by approximately \$18,000, for a total budget amendment of \$58,000. We have attached the appropriate Resolution and Budget Amendment Request Form for your consideration.

Because we are using federal funds and Motor Fuel Tax funds for this project, certain documentation is required to insure compliance with all state and federal regulations. In addition to the engineering services agreement, three other documents require consent from the Village Board.

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The first document is the Motor Fuel Tax Resolution which is necessary in order for us to utilize MFT funds for engineering services. IDOT requires that the resolution cover the entire amount of the agreement (not the net amount equivalent to the Village's 30% local match). Furthermore, IDOT recommends that the resolution be slightly higher than the actual agreement to prevent filing an amended resolution should the actual expense exceed the estimate. We have applied our standard contingency factor of 10% to arrive at the \$218,000 reflected in the MFT resolution for Phase II engineering fees.

The second document is the Certificate of Village. This document certifies that the Village of LaGrange employs Heuer and Associates without improper conditions of forced hiring or monetary payments. You will note that Tom Heuer has signed a similar document.

The final document is a Consultant Selection Letter. This letter simply informs the State that the Village of La Grange has selected Heuer and Associates to be the engineer of record for this project.

We recommend the following approvals:

1. The Engineering Services Agreement for the Bluff Avenue Reconstruction Project (Phase II Engineering) as submitted by Heuer and Associates in an amount not to exceed \$197,396.30;
2. The Resolution and budget amendment to reallocate the cost of Phase II engineering services for the Bluff Avenue Reconstruction Project from FY 2005-06 to FY 2006-07 in the amount of \$40,000 and increase the budget for Phase II engineering services by approximately \$18,000, for a total budget amendment of \$58,000;
3. The MFT Resolution in the amount of \$218,000, for Phase II engineering services for the Bluff Avenue Reconstruction Project;
4. Authorize the Village President to execute the Certificate of Village; and
5. Authorize the Village Manager to execute the Consultant Selection letter.

Local Agency Village of LaGrange	<b>L O C A L  A G E N C Y</b>	 <b>Illinois Department of Transportation</b>  <b>Preliminary Engineering Services Agreement For Federal Participation</b>	<b>C O N S U L T A N T</b>	Consultant Heuer & Associates
County Cook				2315 Enterprise Drive - Suite 102 Address
Section 00-00079-00-FP				Westchester City
Project No. M8003(022)				Illinois State
Job No. D-				60154 Zip Code
Contact Name/Phone/E-mail Address Ken Watkins, Dir. of Public Works 708-579-2328, kwatkins@villageoflagrange.com				Thomas A. Heuer, P.E. Contact Name/Phone/E-mail Address 708-492-1000 heuert@heuerpe.com

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2006 between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the PROJECT. Federal-aid funds allotted to the LA by the state of Illinois under the general supervision of the Illinois Department of Transportation (STATE) will be used entirely or in part to finance engineering services as described under AGREEMENT PROVISIONS.

#### Project Description

Name Bluff Avenue Improvements Route FAU 1004 Length 4439 ft Structure No. N/A  
Termini Burlington Avenue to 47<sup>th</sup> Street

Description Roadway reconstruction project; including pavement replacement, drainage system replacement, utility infrastructure rehabilitation and replacement, maintenance of traffic

#### Agreement Provisions

##### I. THE ENGINEER AGREES,

1. To perform or be responsible for the performance, in accordance with STATE approved design standards and policies, of engineering services for the LA for the proposed improvement herein described.
2. To attend any and all meetings and visit the site of the proposed improvement at any reasonable time when requested by representatives of the LA or STATE.
3. To complete the services herein described within 180 calendar days from the date of the Notice to Proceed from the LA, excluding from consideration periods of delay caused by circumstances beyond the control of the ENGINEER.
4. The classifications of the employees used in the work should be consistent with the employee classifications and estimated man-hours shown in EXHIBIT A. If higher-salaried personnel of the firm, including the Principal Engineer, perform services that are indicated in Exhibit A to be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the payroll rate for the work performed.
5. That the ENGINEER is qualified technically and is entirely conversant with the design standards and policies applicable for the PROJECT; and that the ENGINEER has sufficient properly trained, organized and experienced personnel to perform the services enumerated herein.
6. That the ENGINEER shall be responsible for the accuracy of the work and shall promptly make necessary revisions or corrections resulting from the ENGINEER's errors, omissions or negligent acts without additional compensation. Acceptance of work by the STATE will not relieve the ENGINEER of the responsibility to make subsequent correction of any such errors or omissions or for clarification of any ambiguities.
7. That all plans and other documents furnished by the ENGINEER pursuant to this AGREEMENT will be endorsed by the ENGINEER and will affix the ENGINEER's professional seal when such seal is required by law. Plans for structures to be built as a part of the improvement will be prepared under the supervision of a registered structural engineer and will affix structural engineer seal when such seal is required by law. It will be the ENGINEER's responsibility to affix the proper seal as required by the Bureau of Local Roads and Streets manual published by the STATE.
8. That the ENGINEER will comply with applicable federal statutes, state of Illinois statutes, and local laws or ordinances of the LA.

5-18-2

9. The undersigned certifies neither the ENGINEER nor I have:
- employed or retained for commission, percentage, brokerage, contingent fee or other considerations, any firm or person (other than a bona fide employee working solely for me or the above ENGINEER) to solicit or secure this AGREEMENT,
  - agreed, as an express or implied condition for obtaining this AGREEMENT, to employ or retain the services of any firm or person in connection with carrying out the AGREEMENT or
  - paid, or agreed to pay any firm, organization or person (other than a bona fide employee working solely for me or the above ENGINEER) any fee, contribution, donation or consideration of any kind for, or in connection with, procuring or carrying out the AGREEMENT.
  - are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency,
  - have not within a three-year period preceding the AGREEMENT been convicted of or had a civil judgment rendered against them for commission of fraud or criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property,
  - are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (e) and
  - have not within a three-year period preceding this AGREEMENT had one or more public transactions (Federal, State or local) terminated for cause or default.
10. To pay its subconsultants for satisfactory performance no later than 30 days from receipt of each payment from the LA
11. To submit all invoices to the LA within one year of the completion of the work called for in this AGREEMENT or any subsequent Amendment or Supplement.
12. Scope of Services to be provided by the ENGINEER:
- Make such detailed surveys as are necessary for the planning and design of the PROJECT.
  - Make stream and flood plain hydraulic surveys and gather both existing bridge upstream and downstream high water data and flood flow histories.
  - Prepare applications for U.S. Army Corps of Engineers Permit, Illinois Department of Natural Resources Office of Water Resources Permit and Illinois Environmental Protection Agency Section 404 Water Quality Certification.
  - Design and/or approve cofferdams and superstructure shop drawings.
  - Prepare Bridge Condition Report and Preliminary Bridge Design and Hydraulic Report, (including economic analysis of bridge or culvert types and high water effects on roadway overflows and bridge approaches).
  - Prepare the necessary environmental and planning documents including the Project Development Report, Environmental Class of Action Determination or Environmental Assessment, State Clearinghouse, Substate Clearinghouse and all necessary environmental clearances.
  - Make such soil surveys or subsurface investigations including borings and soil profiles as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations to be made in accordance with the current Standard Specifications for Road and Bridge Construction, Bureau of Local Roads and Streets Administrative Policies, Federal-Aid Procedures for Local Highway Improvements or any other applicable requirements of the STATE.
  - Analyze and evaluate the soil surveys and structure borings to determine the roadway structural design and bridge foundation.
  - Prepare preliminary roadway and drainage structure plans and meet with representatives of the LA and STATE at the site of the improvement for review of plans prior to the establishment of final vertical and horizontal alignment, location and size of drainage structures, and compliance with applicable design requirements and policies.
  - Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
  - Complete the general and detailed plans, special provisions and estimate of cost. Contract plans shall be prepared in accordance with the guidelines contained in the Bureau of Local Roads and Streets manual. The special provisions and detailed estimate of cost shall be furnished in quadruplicate.
  - Furnish the LA with survey and drafts in quadruplicate all necessary right-of-way dedications, construction easements and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.

## II. THE LA AGREES,

- To furnish the ENGINEER all presently available survey data and information

2. To pay the ENGINEER as compensation for all services rendered in accordance with this AGREEMENT, on the basis of the following compensation formulas:

Cost Plus Fixed Fee     CPFF = 14.5%[DL + R(DL) + OH(DL) + IHDC], or  
                                  CPFF = 14.5%[DL + R(DL) + 1.4(DL) + IHDC], or  
                                  CPFF = 14.5%[(2.3 + R)DL + IHDC]

Direct Labor Multiple     DLM = [(2.8 + R)DL] + IHDC

Where:    DL = Direct Labor  
             IHDC = In House Direct Costs  
             OH = Consultant Firm's Actual Overhead Factor  
             R = Complexity Factor

Specific Rate             (Pay per element)

Lump Sum               

3. To pay the ENGINEER using one of the following methods as required by 49 CFR part 26 and 605 ILCS 5/5-409:

With Retainage

- a) **For the first 50% of completed work**, and upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LA, monthly payments for the work performed shall be due and payable to the ENGINEER, such payments to be equal to 90% of the value of the partially completed work minus all previous partial payments made to the ENGINEER.  
b) **After 50% of the work is completed**, and upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LA, monthly payments covering work performed shall be due and payable to the ENGINEER, such payments to be equal to 95% of the value of the partially completed work minus all previous partial payments made to the ENGINEER.  
c) **Final Payment** – Upon approval of the work by the LA but not later than 60 days after the work is completed and reports have been made and accepted by the LA and the STATE, a sum of money equal to the basic fee as determined in this AGREEMENT less the total of the amounts of partial payments previously paid to the ENGINEER shall be due and payable to the ENGINEER.

Without Retainage

- a) **For progressive payments** – Upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LA, monthly payments for the work performed shall be due and payable to the ENGINEER, such payments to be equal to the value of the partially completed work minus all previous partial payments made to the ENGINEER.  
b) **Final Payment** – Upon approval of the work by the LA but not later than 60 days after the work is completed and reports have been made and accepted by the LA and STATE, a sum of money equal to the basic fee as determined in this AGREEMENT less the total of the amounts of partial payments previously paid to the ENGINEER shall be due and payable to the ENGINEER.

4. The recipient shall not discriminate on the basis on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31U.S.C. 3801 et seq.).

### III. IT IS MUTALLY AGREED,

1. That no work shall be commenced by the ENGINEER prior to issuance by the LA of a written Notice to Proceed.
2. That tracings, plans, specifications, estimates, maps and other documents prepared by the ENGINEER in accordance with this AGREEMENT shall be delivered to and become the property of the LA and that basic survey notes, sketches, charts and other data prepared or obtained in accordance with this AGREEMENT shall be made available, upon request, to the LA or to the STATE, without restriction or limitation as to their use.
3. That all reports, plans, estimates and special provisions furnished by the ENGINEER shall be in accordance with the current Standard Specifications for Road and Bridge Construction, Bureau of Local Roads and Streets Administrative Policies, Federal-Aid Procedures for Local Highway Improvements or any other applicable requirements of the STATE, it being understood that all such furnished documents shall be approved by the LA and the STATE before final acceptance. During the performance of the engineering services herein provided for, the ENGINEER shall be responsible for any loss or damage to the documents herein enumerated while they are in the ENGINEER's possession and any such loss or damage shall be restored at the ENGINEER's expense.

5-F.4

4. That none of the services to be furnished by the ENGINEER shall be sublet, assigned or transferred to any other party or parties without written consent of the LA. The consent to sublet, assign or otherwise transfer any portion of the services to be furnished by the ENGINEER shall not be construed to relieve the ENGINEER of any responsibility for the fulfillment of this agreement.
5. To maintain, for a minimum of 3 years after the completion of the contract, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General and the STATE; and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the STATE for the recovery of any funds paid by the STATE under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.
6. The payment by the LA in accordance with numbered paragraph 3 of Section II will be considered payment in full for all services rendered in accordance with this AGREEMENT whether or not they be actually enumerated in this AGREEMENT.
7. That the ENGINEER shall be responsible for any and all damages to property or persons arising out of an error, omission and/or negligent act in the prosecution of the ENGINEER's work and shall indemnify and save harmless the LA, the STATE, and their officers, agents and employees from all suits, claims, actions or damages of any nature whatsoever resulting therefrom. These indemnities shall not be limited by the listing of any insurance policy.
8. This AGREEMENT may be terminated by the LA upon giving notice in writing to the ENGINEER at the ENGINEER's last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LA all drawings, plats, surveys, reports, permits, agreements, soils and foundation analysis, provisions, specifications, partial and completed estimates and data, if any from soil survey and subsurface investigation with the understanding that all such material becomes the property of the LA. The LA will be responsible for reimbursement of all eligible expenses to date of the written notice of termination.
9. This certification is required by the Drug Free Workplace Act (30ILCS 580). The Drug Free Workplace Act requires that no grantee or contractor shall receive a grant or be considered for the purpose of being awarded a contract for the procurement of any property or service from the State unless that grantee or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of a contract or grant and debarment of the contracting or grant opportunities with the State for at least one (1) year but no more than five (5) years.

For the purpose of this certification, "grantee" or "contractor" means a corporation, partnership or other entity with twenty-five (25) or more employees at the time of issuing the grant, or a department, division or other unit thereof, directly responsible for the specific performance under a contract or grant of \$5,000 or more from the State, as defined in the Act.

The contractor/grantee certifies and agrees that it will provide a drug free workplace by:

- a. Publishing a statement:
    - (1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the grantee's or contractor's workplace.
    - (2) Specifying the actions that will be taken against employees for violations of such prohibition.
    - (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
      - (a) abide by the terms of the statement; and
      - (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
  - b. Establishing a drug free awareness program to inform employees about:
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's or contractor's policy of maintaining a drug free workplace;
    - (3) Any available drug counseling, rehabilitation and employee assistance program; and
    - (4) The penalties that may be imposed upon an employee for drug violations.
  - c. Providing a copy of the statement required by subparagraph (a) to each employee engaged in the performance of the contract or grant and to post the statement in a prominent place in the workplace.
  - d. Notifying the contracting or granting agency within ten (10) days after receiving notice under part (B) of paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.
  - e. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by,
  - f. Assisting employees in selecting a course of action in the event drug counseling, treatment and rehabilitation is required and indicating that a trained referral team is in place.
  - g. Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.
10. The ENGINEER or subconsultant shall not discriminate on the basis of race, color, national origin or sex in the performance of this AGREEMENT. The ENGINEER shall carry out applicable requirements of 49 CFR part 26 in the administration of DOT assisted contracts. Failure by the ENGINEER to carry out these requirements is a material breach of this AGREEMENT, which may result in the termination of this AGREEMENT or such other remedy as the LA deems appropriate.

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Executed by the LA:

Village of LaGrange

(Municipality/Township/County)

ATTEST:

By: \_\_\_\_\_

Village Clerk

By: \_\_\_\_\_

Title: Village President

(SEAL)

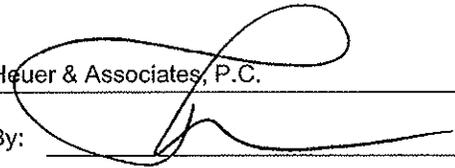
Executed by the ENGINEER:

ATTEST:

By: Karla M. Oden

Title: Admin. Asst.

Heuer & Associates, P.C.

By: 

Title: President

5-F.6

**Exhibit A - Preliminary Engineering**

Route: FAU1004  
 Local Agency: Village of LaGrange  
 (Municipality/Township/County)  
 Section: 00-00079-00-FP  
 Project: M8003(022)  
 Job No.: D-

\*Firm's approved rates on file with IDOT'S Bureau of Accounting and Auditing:

Overhead Rate (OH) 168.62 %  
 Complexity Factor (R) 0.00  
 Calendar Days 180

Method of Compensation:

- Cost Plus Fixed Fee 1  14.5%[DL + R(DL) + OH(DL) + IHDC]  
 Cost Plus Fixed Fee 2  14.5%[DL + R(DL) + 1.4(DL) + IHDC]  
 Cost Plus Fixed Fee 3  14.5%[(2.3 + R)DL + IHDC]  
 Direct Labor Multiple  [(2.8 + R)DL] + IHDC  
 Specific Rate   
 Lump Sum

**Cost Estimate of Consultant's Services in Dollars**

Element of Work	Employee Classification	Man-Hours	Payroll Rate	Payroll Costs (DL)	Overhead*	Services by Others	In-House Direct Costs (IHDC)	Profit	Total
Phase II Design	Engineer V	294.00	\$38.39	\$11,286.66	\$19,031.56	\$0.00	\$0.00	\$3,764.10	\$34,082.32
Phase II Design	Engineer IV	479.00	\$32.30	\$15,471.70	\$26,088.38	\$0.00	\$0.00	\$5,159.81	\$46,719.89
Phase II Design	Engineer II	556.00	\$27.24	\$15,145.44	\$25,538.24	\$0.00	\$0.00	\$5,051.00	\$45,734.68
Phase II Design	Engineer II	408.00	\$26.44	\$10,787.52	\$18,189.91	\$0.00	\$0.00	\$3,597.63	\$32,575.06
Phase II Design	Engineer II	236.00	\$24.76	\$5,843.36	\$9,853.07	\$0.00	\$0.00	\$1,948.76	\$17,645.19
Phase II Design	Technician	80.00	\$21.46	\$1,716.80	\$2,894.86	\$0.00	\$0.00	\$572.55	\$5,184.21
Reproduction						\$3,420.00			\$3,420.00
Soil Borings						\$12,035.00			\$12,035.00
<b>Totals</b>		<b>2,053.00</b>		<b>\$60,251.48</b>	<b>\$101,596.02</b>	<b>\$15,455.00</b>		<b>\$20,093.85</b>	<b>\$197,396.3</b>

5-1-17

# EXHIBIT A - Engineering Cost Schedule

## BLUFF AVENUE ROADWAY IMPROVEMENTS - Phase II Design Engineering

Local Agency: Village of LaGrange  
 Consultant: Heuer and Associates  
 Section: 00-00079-00-FP  
 Project: M8003(022)  
 Job: Design  
 Route: Bluff Avenue, FAU 1004

Effective Date = 01-15-2006  
 Method of Compensation = CPFF 3  
 Project Complexity Factor = 0.0  
 Approved Overhead Rate = 168.6198%  
 Estimated Construction Value = \$2,499,677  
 Calendar days = 180

#	Work Activity	Labor Classifications	Labor Hours	Labor Rate	Direct Costs	Approved Overhead	Profit	Labor Sub-Totals	In-House Direct Cost	Outsource Direct Cost	Activity Sub-Total	Percent of Total
<b>1. Project Coordination</b> <i>alignment, boundaries right-of-way</i>	Engineer V	4	38.39	153.56	258.93	51.21	\$463.70					
	Engineer IV	20	32.30	646.00	1,089.28	215.44	\$1,950.72					
	Engineer II	8	27.24	217.92	367.46	72.68	\$658.05					
	Engineer II	4	26.44	105.76	178.33	35.27	\$319.36					
	Engineer II	0	24.76	0.00	0.00	0.00	\$0.00					
	Technician	2	21.46	42.92	72.37	14.31	\$129.61	\$0.00	\$0.00	\$3,521.45	1.78%	
<b>2. Design Survey</b> <i>utility inspection, planimetric and topographic features</i>	Engineer V	4	38.39	153.56	258.93	51.21	\$463.70					
	Engineer IV	8	32.30	258.40	435.71	86.18	\$780.29					
	Engineer II	32	27.24	871.68	1,469.83	290.71	\$2,632.21					
	Engineer II	32	26.44	846.08	1,426.66	282.17	\$2,554.91					
	Engineer II	32	24.76	792.32	1,336.01	264.24	\$2,392.57					
	Technician	0	21.46	0.00	0.00	0.00	\$0.00	\$0.00	\$12,035.00	\$20,858.68	10.57%	
<b>3. Plan Development</b> <i>title, notes, legend, index data tables</i>	Engineer V	4	38.39	153.56	258.93	51.21	\$463.70					
	Engineer IV	24	32.30	775.20	1,307.14	258.53	\$2,340.87					
	Engineer II	48	27.24	1,307.52	2,204.74	436.06	\$3,948.32					
	Engineer II	16	26.44	423.04	713.33	141.08	\$1,277.45					
	Engineer II	16	24.76	396.16	668.00	132.12	\$1,196.28					
	Technician	4	21.46	85.84	144.74	28.63	\$259.21	\$0.00	\$0.00	\$9,485.84	4.81%	
<b>4. Prefinal Plans</b> <i>existing planimetrics, profile, utilities, right-of-way, traffic, drainage design</i>	Engineer V	90	38.39	3,455.10	5,825.98	1,152.28	\$10,433.36					
	Engineer IV	240	32.30	7,752.00	13,071.41	2,585.29	\$23,408.70					
	Engineer II	280	27.24	7,627.20	12,860.97	2,543.67	\$23,031.84					
	Engineer II	240	26.44	6,345.60	10,699.94	2,116.26	\$19,161.80					
	Engineer II	120	24.76	2,971.20	5,010.03	990.90	\$8,972.13					
	Technician	0	21.46	0.00	0.00	0.00	\$0.00	\$0.00	\$1,695.00	\$86,702.82	43.92%	
<b>5. Utility Coordination</b> <i>utility locations, conflicts</i>	Engineer V	12	38.39	460.68	776.80	153.64	\$1,391.11					
	Engineer IV	15	32.30	484.50	816.96	161.58	\$1,463.04					
	Engineer II	20	27.24	544.80	918.64	181.69	\$1,645.13					
	Engineer II	0	26.44	0.00	0.00	0.00	\$0.00					
	Engineer II	0	24.76	0.00	0.00	0.00	\$0.00					
	Technician	10	21.46	214.60	361.86	71.57	\$648.03	\$0.00	\$0.00	\$5,147.32	2.61%	

<b>6. Plan Review</b> <i>field and office check</i>	Engineer V	50	38.39	1,919.50	3,236.66	640.15	\$5,796.31					
	Engineer IV	40	32.30	1,292.00	2,178.57	430.88	\$3,901.45					
	Engineer II	30	27.24	817.20	1,377.96	272.54	\$2,467.70					
	Engineer II	30	26.44	793.20	1,337.49	264.53	\$2,395.22					
	Engineer II	16	24.76	396.16	668.00	132.12	\$1,196.28					
	Technician	0	21.46	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00	\$15,756.97	7.98%	
<b>7. Special Provisions</b> <i>special provisions, cost estimates, quantities</i>	Engineer V	48	38.39	1,842.72	3,107.19	614.55	\$5,564.46					
	Engineer IV	32	32.30	1,033.60	1,742.85	344.71	\$3,121.16					
	Engineer II	32	27.24	871.68	1,469.83	290.71	\$2,632.21					
	Engineer II	20	26.44	528.80	891.66	176.35	\$1,596.82					
	Engineer II	16	24.76	396.16	668.00	132.12	\$1,196.28					
	Technician	32	21.46	686.72	1,157.95	229.02	\$2,073.69	\$0.00	\$0.00	\$16,184.61	8.20%	
<b>8. Final Plans</b> <i>final plan adjustments per agency review comments</i>	Engineer V	20	38.39	767.80	1,294.66	256.06	\$2,318.52					
	Engineer IV	60	32.30	1,938.00	3,267.85	646.32	\$5,852.17					
	Engineer II	100	27.24	2,724.00	4,593.20	908.45	\$8,225.66					
	Engineer II	60	26.44	1,586.40	2,674.98	529.06	\$4,790.45					
	Engineer II	30	24.76	742.80	1,252.51	247.72	\$2,243.03					
	Technician	0	21.46	0.00	0.00	0.00	\$0.00	\$0.00	\$1,725.00	\$25,154.84	12.74%	
<b>9. Right-of-way</b> <i>land survey documents alignment, easements</i>	Engineer V	2	38.39	76.78	129.47	25.61	\$231.85					
	Engineer IV	8	32.30	258.40	435.71	86.18	\$780.29					
	Engineer II	0	27.24	0.00	0.00	0.00	\$0.00					
	Engineer II	0	26.44	0.00	0.00	0.00	\$0.00					
	Engineer II	0	24.76	0.00	0.00	0.00	\$0.00					
	Technician	0	21.46	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00	\$1,012.14	0.51%	
<b>10. Administration</b> <i>meetings, submittals, permits conferences</i>	Engineer V	60	38.39	2,303.40	3,883.99	768.18	\$6,955.57					
	Engineer IV	32	32.30	1,033.60	1,742.85	344.71	\$3,121.16					
	Engineer II	6	27.24	163.44	275.59	54.51	\$493.54					
	Engineer II	6	26.44	158.64	267.50	52.91	\$479.04					
	Engineer II	6	24.76	148.56	250.50	49.54	\$448.61					
	Technician	32	21.46	686.72	1,157.95	229.02	\$2,073.69	\$0.00	\$0.00	\$13,571.61	6.88%	
7.90%	<b>TOTAL PHASE II ENGINEERING:</b>		2,053		\$60,251.48	\$101,595.93	\$20,093.87	\$181,941.27	\$0.00	\$15,455.00	\$197,396.27	100%
<b>PHASE II ENGINEERING SUMMARY</b>	Engineer V	294	38.39	\$11,286.66	\$19,031.54	\$3,764.10	\$34,082.30					
	Engineer IV	479	32.30	\$15,471.70	\$26,088.35	\$5,159.81	\$46,719.86					
	Engineer II	556	27.24	\$15,145.44	\$25,538.21	\$5,051.00	\$45,734.65					
	Engineer II	408	26.44	\$10,787.52	\$18,189.89	\$3,597.64	\$32,575.05					
	Engineer II	236	24.76	\$5,843.36	\$9,853.06	\$1,948.76	\$17,645.18					
	Technician	80	21.46	\$1,716.80	\$2,894.86	\$572.55	\$5,184.22					
	<b>TOTAL:</b>	2,053		\$60,251.48	\$101,595.93	\$20,093.87	\$181,941.27	\$0.00	\$15,455.00	\$197,396.27	100%	

Note 1: See attached Exhibit C for detail concerning hourly rates and other labor cost factors.

Note 2: See attached Exhibit B for detail concerning the In-House and Out-Source Direct Costs.

Note 3: The preliminary estimate of construction cost for this project is \$2,499,677

Note 4: The project length approximates 4,439 feet.

## EXHIBIT B - Other Direct Cost Schedule

BLUFF AVENUE ROADWAY IMPROVEMENTS - Phase II Design Engineering

Local Agency: Village of LaGrange

Consultant: Heuer and Associates

Section: 00-00079-00-FP

Project: M8003(022)

Route: Bluff Avenue, FAU 1004

IN-HOUSE DIRECT COSTS							
Other Direct Cost Item - Description	Quantity		Units	Rate	Costs	Sub-Totals	Comments
1.					\$0.00	\$0.00	No In-house direct costs assigned
Total In-House Direct Costs:					\$0.00	\$0.00	

OUTSOURCE DIRECT COSTS									
Other Direct Cost Item - Description	Quantity		Units	Rate	Costs	Sub-Totals	Comments		
1. Repro-Prelim	Preliminary Plans	5	100	500	pages	1.50	\$750.00	Initial print submittal at 50% completion	
	Pre-Final Plans	5	100	500	pages	1.50	\$750.00	Pre-final print submittal at 80% completion	
	Pre-Final Provisions	5	130	650	pages	0.30	\$195.00	Pre-final special provisions and other documents	
2. Repro-Final	Final Plans	5	100	500	pages	1.50	\$750.00	Final print submittals at 100% completion	
	Reproducibles	1	100	100	pages	8.25	\$825.00	Final mylar submittals at 100% completion	
	Final Provisions	5	100	500	pages	0.30	\$150.00	Final special provisions, estimate, schedule	
3. Sub-contract	Geo-tech. Survey			1	unit	12,035.00	\$12,035.00	\$12,035.00	Geo-technical sub-surface condition survey
Total Outsource Direct Costs:						\$15,455.00	\$15,455.00		

# EXHIBIT C - Consultant's Hourly Rate Schedule

BLUFF AVENUE ROADWAY IMPROVEMENTS - Phase II Design Engineering

Local Agency: Village of LaGrange Consultant: Heuer and Associates Section: 00-00079-00-FP Project: M8003(022) Route: Bluff Avenue, FAU 1004	<b>Consultant's Business Financials</b>	
	<i>(rates shown as a percentage of direct labor cost)</i>	
	Payroll Burden & Fringe Rate:	98.8595%
	Overhead & Indirect Cost Rate:	69.7603%
	Total Approved Overhead Rate:	168.6198%
	IDOT Project Complexity Factor:	0.000

<b>Consultant's Hourly Rates for Salaried Employees</b>												
Labor Classification	Project Position Description	Employee Name	<i>Current Range of Values</i>						<i>Current Applied Values</i>			
			Direct Labor Range		Indirect Labor Range		Hourly Billing Range		Direct Labor	Indirect Labor	Profit Factor	Hourly Rate
			From:	To:	From:	To:	From:	To:				
Engineer V	Principal Engineer	T.Heuer	\$35.00	\$45.00	\$70.69	\$90.89	\$105.69	\$135.89	\$38.39	\$64.73	\$12.80	\$115.93
Engineer IV	Senior Engineer	P.Harring	\$30.00	\$35.00	\$60.59	\$70.69	\$90.59	\$105.69	\$32.30	\$54.46	\$10.77	\$97.54
Engineer III	Engineer	P.Haavig	\$25.00	\$30.00	\$50.49	\$60.59	\$75.49	\$90.59	\$26.78	\$45.16	\$8.93	\$80.87
Engineer II	Engineer	M.Golan	\$20.00	\$30.00	\$40.39	\$60.59	\$60.39	\$90.59	\$27.24	\$45.93	\$9.08	\$82.26
Engineer II	Engineer	D.Corcoran	\$20.00	\$30.00	\$40.39	\$60.59	\$60.39	\$90.59	\$26.44	\$44.58	\$8.82	\$79.84
Engineer II	Engineer	D.Piwowar	\$20.00	\$30.00	\$40.39	\$60.59	\$60.39	\$90.59	\$24.76	\$41.75	\$8.26	\$74.77
Technician	Technician	K.Oden	\$10.00	\$30.00	\$20.20	\$60.59	\$30.20	\$90.59	\$21.46	\$36.19	\$7.16	\$64.80

- Note 1: The labor classifications reflect consultant's currently defined employee labor categories.  
 Note 2: The direct labor rate for salaried employees based upon conventional 2080 hours/year.  
 Note 3: The indirect labor rate for salaried employees based upon IDOT approved overhead.  
 Note 4: The profit factor included in the computation of hourly rate conforms to IDOT CPFF 3 with a complexity factor of 0.000.

## DRUG FREE WORKPLACE CERTIFICATION

This certification is required by the Drug Free Workplace Act (Ill. Rev. Stat., ch. 127, par. 152.311). The Drug Free Workplace Act, effective January 1, 1992, requires that no grantee or contractor shall receive a grant or be considered for the purposes of being awarded a contract for the procurement of any property or services from the State unless that grantee or contractor has certified to the State that the grantee or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of the contract or grant and debarment of contracting or grant opportunities with the State for at least one (1) year but not more than five (5) years.

For the purpose of this certification, "grantee" or "contractor" means a corporation, partnership, or other entity with twenty-five (25) or more employees at the time of issuing the grant, or a department, division, or other unit thereof, directly responsible for the specific performance under a contract or grant of \$5,000 or more from the State.

The contractor/grantee certifies and agrees that it will provide a drug free workplace by:

(A) Publishing a statement:

- (1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the grantee's or contractor's workplace.
- (2) Specifying the actions that will be taken against employees for violations of such prohibition.
- (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
  - (a) abide by the terms of the statement; and
  - (b) notifying the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

(B) Establishing a drug free awareness program to inform employee about:

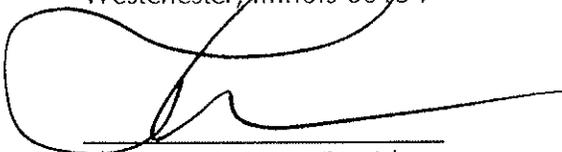
- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's or contractor's policy of maintaining a drug free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon an employee for drug violations.

5-7-12

- (C) Providing a copy of the statement required by subparagraph (A) to each employee engaged in the performance of the contract or grant and to post the statement in a prominent place in the workplace.
- (D) Notifying the contracting or granting agency within (10) days after receiving notice under part (B) of paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.
- (E) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by Section 5 of the Drug Free Workplace Act.
- (F) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.
- (G) Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.

THE UNDERSIGNED AFFIRMS, UNDER PENALTIES OF PERJURY, THAT HE OR SHE IS AUTHORIZED TO EXECUTE THIS CERTIFICATION ON BEHALF OF THE DESIGNATED ORGANIZATION.

Heuer & Associates  
2315 Enterprise Drive Suite 102  
Westchester, Illinois 60154



Thomas A. Heuer, President

00-00079-00-FP, M8003(022)  
Requisition/Contract/Grant ID Number

3/8/06  
Date

5-F.13

## CERTIFICATE OF CONSULTANT

I hereby certify that I am the President and duly authorized representative of the firm of Heuer & Associates, whose address is 2315 Enterprise Drive - Suite 102, Westchester, Illinois 60154. I hereby represent that neither I nor the above firm that I hereby represent has:

- (A) Employed or retained for a commission, percentage, brokerage, contingent fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above Consultant) to solicit or secure this Agreement.
- (B) Agrees, as an expressed or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the Contract; or
- (C) Paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee, working solely for me or the above Consultant) any fee, contribution, donation or consideration of any kind, or in connection with, procuring and carrying out the Agreement.

In addition, I and the firm I herein represent:

- (D) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (E) have not within a three-year period preceding this Agreement been convicted of or had a civil judgement rendered against them or commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or local) transaction or contract under a public transaction: violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (F) are not presently indicated for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (e) of this certification;
- (G) have not within a three-year period preceding this Agreement had one or more public transactions (Federal, State or local) terminated for cause or default;
- (H) have not been barred from signing this Agreement as a result of a violation of Sections 33E-3 and 33E-4 of the Criminal Code of 1961 (Chapter 38 of the Illinois revised Statutes); and
- (I) are not in default on an educational loan as provided in Public Act 85-827.

5-7-14

The Consultant certifies that, pursuant to Chapter 24, Sec. 11-42.1-1 of the Illinois Revised Statutes, 1989, they are not delinquent in the payment of any tax administered by the Illinois Department of Revenue.

Where the Consultant is unable to certify to any of the statements in this certification, such Consultant shall attach an explanation to this Agreement.

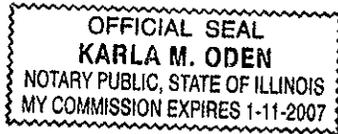
I acknowledge that this certification is to be furnished to the Illinois Department of Transportation, in connection with this Contract, involving participation of State highway funds and is subject to applicable State and Federal Laws, both criminal and civil.

Date: 3/3/06

By: [Signature]  
President

SUBSCRIBED and SWORN TO before me this 3<sup>rd</sup> day of March, 2006.

[Signature]  
Notary Public



5-1-15



**Proposal for Geotechnical Engineering Services**

**Bluff Avenue Improvements  
LaGrange, Illinois**

Prepared For:

**Mr. Paul F. Harring, P.E.  
Senior Engineer  
Heuer and Associates Consulting Engineers  
2315 Enterprise Drive – Suite 102  
Westchester, Illinois 60154-5811**

Prepared by:

**CGMT, Inc.  
762 Larsen Lane  
Bensenville, Illinois 60106**

**December 23, 2005**

5-F.16



December 23, 2005

Mr. Paul F. Harring, P.E.  
Senior Engineer  
Heuer and Associates Consulting Engineers  
2315 Enterprise Drive – Suite 102  
Westchester, Illinois 60154-5811

**RE:** Proposal for Geotechnical Engineering Services  
Bluff Avenue Improvements  
LaGrange, Illinois

Dear Mr. Harring:

Construction and Geotechnical Material Testing, Inc. (CGMT) is pleased to submit this proposal to provide you with Geotechnical Engineering Services for the Bluff Avenue Improvements Project in LaGrange, Illinois. This letter includes a scope of services description, schedule to complete the scope of services and the estimated costs.

### **SCOPE OF SERVICES**

The investigation is to consist of the following tasks, based on the anticipated site conditions, the information provided by you, and our experience of similar projects:

- **Task 1 – Field Investigation:** Field investigation will consist of eleven subgrade borings drilled at intervals as to allow the identification of all soil types, the water table elevation and bedrock within the R.O.W. Information provided to CGMT indicates that this area is composed of little topographic relief and the soil conditions are uniform, therefore the boring intervals have been selected and agreed upon by a representative of Heuer and Associates and CGMT, Inc. according to the guidelines set forth from the Village of LaGrange. Seven of the borings will be drilled to six feet and four of the borings will be drilled to twenty feet. These boring locations will be drilled using a truck-mounted drill rig and will be backfilled with a cement grout to limit potential settlement at the pavement surface. Soils encountered will be sampled at 2.5-foot intervals in accordance with the ASTM requirements for Standard Penetration Test. Representative soil samples will be collected from each sample interval for visual classification and laboratory testing.

5-7-17



- **Task 2 – Laboratory Testing:** Laboratory Testing will be performed on representative samples collected from selected intervals. These tests will consist of Atterberg Limits / PI, Moisture Content, Unconfined Compressive Strength, Rimac Compression Tests, Proctor Tests, Particle Size Analysis, and Illinois Bearing Ratio (IBR). Should other tests be required, we would notify your office as soon as this becomes evident.
- **Task 3 – Final Report and Analysis:** CGMT will analyze collected field and laboratory data and prepare a final report of our findings. The final geotechnical report would include general information on site geology, descriptions of existing soil conditions, short-term water table elevations, pavement soil-related design parameters and any additional geotechnical-related construction issues to better ascertain the appropriate reconstruction work to be incorporated for your project. This report will also include a detailed set of Boring Logs which will outline the soil types and descriptions and a Location Diagram of the Boring Intervals.

### SCHEDULE

CGMT is available to initiate field activities within one week of your authorization to proceed. This authorization may be issued by completing the "Authorization to Proceed" information at the end of this proposal and sending it (via facsimile) to my attention. Your office would be informed of our findings on a timely basis, with a preliminary verbal summary report of our findings to be directed to your project manager within four days of the completion of Task 1. A final report can normally be prepared within two weeks of completion of the field work, assuming no extraordinary laboratory testing efforts are required.

CGMT will arrange for a utility locate at the project site as required by state law. This would take a minimum of 48 hours (over consecutive business days) once JULIE has been contacted. CGMT will arrange this locate upon receipt of your authorization to proceed with the project.

### COST

We estimate that the cost for each of the tasks will be as follows:

Task 1:	\$7,485
Task 2:	\$3,160
Task 3	<u>\$1,390</u>
<b>TOTAL PROJECT COST</b>	<b><u>\$12,035</u></b>

5-F-18



These costs are based on the following assumptions:

1. Client is to provide legal access to the site(s) and is to notify all legal entities affected by the scope of work presented in this proposal.
2. Client will secure the necessary permits and other legal documentation to access the site(s) and to perform work.
3. Client is to provide, in a timely manner, a plat of survey, site topography, aerial photographs or such other drawings and documents necessary to complete the field activities.
4. Client is to locate borings on the intervals agreed upon at the time authorization to proceed is issued to CGMT.

Our final billing will be conveyed to you after the work authorized by you has been completed. In addition, if unusual site or surface conditions are found during the drilling phase of this investigation, i.e. possible environmental issues, deep fills, rubble, soft soil, site access problems, etc., additional work and costs may be incurred. Should such conditions be encountered, we would notify your office for authorization to proceed before initiating any work beyond the scope defined in this proposal.

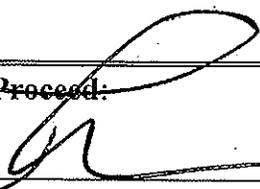
Our final billing would be based on all of the work authorized and performed at the direction of your office. Terms of payment for our services would be the standard full amount due within 30 days of receipt of invoice.

Please contact me if you have any questions regarding this proposal or if you need additional information.

Respectfully,

**CONSTRUCTION & GEOTECHNICAL MATERIAL TESTING, INC.**

KC Patel  
President

<del>Authorization to Proceed:</del>	
Accepted by: 	Title: <u>President</u>
Agency/Firm: <u>Hewes &amp; Assa</u>	Date: <u>2/27/06</u>

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**SCHEDULE OF FEES: Geotechnical Engineering Services**  
Bluff Avenue Improvements

ITEM	UNIT	NUMBER OF UNITS	UNIT PRICE	TOTAL PRICE
<b>MOBILIZATION-DEMobilIZATION</b>				
On-off site	Lump Sum	1	\$250.00	\$250.00
Layout	per Hour			\$0.00
Utility Clearances	per Hour	4	\$25.00	\$100.00
<b>FIELD INVESTIGATION</b>				
Drill Rig with Two-Man Crew: (Borings: 4 @ 20' - sampled 2.5' to end of the boring or refusal.)	Per Foot	80	\$50.00	\$4,000.00
Drill Rig with Two-Man Crew: (Borings: 7 @ 6' - sampled 2.5' to end of the boring or refusal.)	Per Foot	42	\$50.00	\$2,100.00
Support Truck	Per Day	3	\$125.00	\$375.00
Stand-by, excess set-up time, site clearing, etc.	Per Hour	0	\$100.00	\$0.00
Borehole Backfill and Grouting (Labor)	Per Boring	11	\$35.00	\$385.00
Borehole Backfill and Grouting (Materials)	Per Boring	11	\$25.00	\$275.00
Extra Split Spoon Samples	Each	0	\$15.00	\$0.00
Traffic Control	Per Day	Not required per client.		\$7,485.00
<b>LABORATORY TESTS</b>				
Atterberg Limits / PI	Each	4	\$50.00	\$200.00
Moisture Content	Each	55	\$5.00	\$275.00
Unconfined Compressive Strengths (SS)	Each	55	\$15.00	\$825.00
Rimac Compression Test	Each	5	\$8.00	\$40.00
DCP/SCP Tests	Each	0	\$350.00	\$0.00
DCP/SCP Equipment	Day	0	\$50.00	\$0.00
Dry Density	Each	0	\$12.00	\$0.00
Magnetic Content	Each	0	\$45.00	\$0.00
Shrinkage limit	Each	0	\$50.00	\$0.00
Organic Content	Each	0	\$50.00	\$0.00
Particle Size Analysis	Each	4	\$75.00	\$300.00
Proctor, Standard	Each	4	\$135.00	\$540.00
Illinois Bearing Ratio (IBR)	Each	4	\$245.00	\$980.00
<b>SUPERVISION, CONSULTING, INSPECTION SERVICES, ANALYSIS AND REPORTS</b>				
Senior Project Engineer	Per Hour	10	\$85.00	\$850.00
Project Engineer	Per Hour	4	\$75.00	\$300.00
Draftsperson	Per Hour	2	\$45.00	\$90.00
Word-Processing	Per Hour	5	\$30.00	\$150.00
				\$0.00
<b>ESTIMATE OF TOTAL FEES</b>				<b>\$12,035.00</b>
				<b>\$12,035.00</b>
<b>TOTAL</b>				<b>\$12,035.00</b>

5-F-120

RESOLUTION R-06-\_\_\_\_\_

BE IT RESOLVED that the President and Board of Trustees of the Village of La Grange adopt the 2006-07 Operating and Capital Improvements Budget Amendment as set forth in the document as attached hereto and made a part here of.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006, pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006

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

ATTEST:

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

5-7-21





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

Table with 4 columns: Name of Thoroughfare, Route, From, To. Row 1: Bluff Avenue, 1004, Burlington Avenue, 47th Street.

BE IT FURTHER RESOLVED, 1. That the proposed improvement shall consist of Phase II engineering services for the construction of the Bluff Avenue roadway improvements which include the removal of existing pavement, the installation of new pavement, curb and gutter, drainage structures, storm sewer, and landscape restoration.

and shall be constructed of variable width wide and be designated as Section 00-00079-00-FP

2. That there is hereby appropriated the (additional Yes No) sum of two hundred eighteen thousand dollars Dollars ( \$218,000.00 ) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

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

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

Form for Department of Transportation signature: Authorized MFT Expenditure, Date, Department of Transportation, Regional Engineer.

Form for Clerk signature: I, Robert N. Milne Clerk in and for the Village of LaGrange of Cook County, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Village President and Board of Trustees at a meeting on Date IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this day of (SEAL) City, Town, or Village Clerk

## CERTIFICATE OF VILLAGE

I hereby certify that I am the President of the Village of La Grange, of the County of Cook, and that the above CONSULTANT or his representative has not been required directly or indirectly as an expressed or implied condition in connection with obtaining or carrying out this AGREEMENT to:

- (A) Employ or retain, or agree to employ or retain, any firm or person; or,
- (B) Pay or agree to pay to any firm, person or organization, any fee, contribution, donation, or consideration of any kind;

except as herein expressed stated (if any);

I acknowledge that this certificate is to be furnished to the Illinois Department of Transportation in connection with this AGREEMENT involving participation of State highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

Date: \_\_\_\_\_

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

5-F.24

# Village of La Grange

March 8, 2006



Ms. Diane O'Keefe  
Bureau Chief of Local Roads and Streets  
Illinois Department of Transportation  
201 West Center Court  
Schaumburg, Illinois 60196-1096

Attn: Mr. Ahmed Raheem, P.E.

Re: Consultant Selection  
Bluff Avenue Improvement Project  
LaGrange: STPM-8003 (022); Section 00-00079-00-FP

Dear Ms. O'Keefe:

Please be advised that after due consideration of program requirements, the Village of LaGrange has selected the firm of *Heuer & Associates, P.C.* to provide the engineering services required for the improvement of Bluff Avenue. The Village has made this decision for the following reasons:

1. The firm has demonstrated capability through its completion of past projects for the Village, involving a full range of design and construction complexities.
2. The firm is very familiar with the site conditions and is currently engaged in completing other pavement improvements in our community.
3. The firm has a thorough knowledge of the local requirements and interests, and can best represent the Village in meeting the project objectives.
4. The firm is cost competitive with other engineering firms in the area.

Given the preceding the Village of LaGrange has selected Heuer & Associates for this project. If you should have any questions, please feel free to call.

Very truly yours,

VILLAGE OF LA GRANGE

---

Mr. Robert J. Pilipiszyn  
Village Manager

53 South La Grange Road P.O. Box 668 La Grange, Illinois 60525 (708) 579-2300 Fax (708) 579-0980

5-F.25

VILLAGE OF LA GRANGE  
Administrative Offices

**BOARD REPORT**

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

FROM: Robert Pilipiszyn, Village Manager

DATE: April 10, 2006

RE: **CONTRACT – GROUP HEALTH AND LIFE INSURANCE RENEWAL**

---

The Village provides group health insurance coverage as a benefit to its full-time employees. Coverage is provided under the Blue Advantage Entrepreneur (BAE) plan through Blue Cross/Blue Shield of Illinois. Our current health insurance contract with Blue Cross expires on April 30, 2006.

The initial renewal proposal from Blue Cross requested a 10.3% increase in premiums. By way of comparison, the renewal trend for HMO's in 2006 has ranged between 8-12% in increased health insurance costs. We charged our brokers Jim Relyea and Sandy Basak of Mercer Health and Benefits to negotiate the best possible renewal for the Village.

We are pleased to report that Blue Cross/Blue Shield has agreed to hold our current rates and therefore we will not have an increase in premiums for the next fiscal year. This is the second consecutive year for the Village with no increase in health insurance premiums. This will result in a \$82,313 cost savings from the 10% increase assumed in the draft budget.

Our group life insurance is provided by Fort Dearborn Life through Blue Cross/Blue Shield. Because of continued good claims history, we have negotiated a one-year agreement with Fort Dearborn Life with no increase in premiums.

We recommend that the contract with Blue Cross/Blue Shield for group health insurance and Fort Dearborn for group life insurance, effective May 1, 2006 be approved and that the Village Manager be authorized to execute the contract documents.

5-6

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: April 10, 2006

RE: **PURCHASE -- PUBLIC WORKS DEPARTMENT /  
REPLACEMENT OF STEP VAN**

---

The Fiscal Year 2005-06 Village budget provides for the replacement of a 1991 step van for the Department of Public Works. This is a specialized panel van used to transport all materials and machinery necessary to make water distribution repairs such as main breaks and service leaks. Because the van is equipped with storage cabinets, electric generator, and hydraulic system, it is considered custom and must be built to specification.

Quotes were solicited from dealers who were designated to offer State bid pricing. Using the State bid price of \$42,321 for the chassis and body, dealers were asked to submit quotes for the custom interior package. This package includes an electric generator, cargo area heating, lighting, cabinets and work bench.

VENDOR/LOCATION	STEP VAN CHASSIS & BODY	CUSTOM INTERIOR PACKAGE	TOTAL
Freeway Ford/Lyons, IL	\$42,321	\$15,314	\$57,635
Monroe Equipment/Joliet	\$42,321	\$24,900	\$67,221
Sauber Mfg/Virgil, IL	\$42,321	\$29,122	\$71,443

The low quote was submitted by Freeway Ford of Lyons, Illinois. As this dealer is capable of providing the chassis, body, and custom package as specified, we recommend accepting their quote in the amount of \$57,635.

Quotes do not include the hydraulic system, which is necessary to run specialized tools. This item must be purchased and installed after delivery. The following table reflects quotes for the purchase and installation of the hydraulic system:

5-H

Purchase – Water Department Step Van  
 Board Report – April 10, 2006 – Page 2

VENDOR/LOCATION	Hydraulic System Quote	Low Quote Step Van	Total Cost
Monroe Truck/Joliet, IL	\$5,098	\$57,635	\$62,733
Sauber Manuf/Virgo, IL	\$6,165	\$57,635	\$63,800
Auto Truck/Bensenville, IL	\$9,135	\$57,635	\$66,770
FY 2005-06 BUDGET Equipment Replacement Fund			\$50,000

The low quote was submitted by Monroe Truck of Joliet, Illinois. We are very familiar with this firm as they have supplied the dump body for many of our DPW fleet trucks. We, therefore, recommend accepting their quote in the amount of \$5,098 for the purchase and installation of the hydraulic system. This brings the total cost of the vehicle to \$62,733.

The FY 2005-06 Equipment Replacement Fund (ERF) reflects a total of \$50,000 for the purchase of this equipment. Reserves for the purchase of Water Fund vehicles and equipment, accumulated within the ERF Fund, are currently overfunded by approximately \$35,000. We recommend that a portion of these reserves be utilized to cover the additional \$12,733 cost of the step van.

Although we will order the vehicle during this fiscal year, delivery will not occur until after May 1. We, therefore, recommend the \$62,733 cost of the vehicle be re-budgeted in the appropriate fiscal year 2006-07. We have attached the Resolution and the Budget Amendment Request form reflecting these changes.

Based on the quotes received, we recommend accepting the quote submitted by Freeway Ford in the amount of \$57,635 for the step van with the custom package and the quote submitted by Monroe Truck in the amount of \$5,098 for the installation of the hydraulic system. We further recommend the FY 2006-07 Operating and Capital Improvements Budget be amended to reflect the \$62,733 cost of the vehicle.

5-H.1

RESOLUTION R-06-\_\_\_\_\_

BE IT RESOLVED that the President and Board of Trustees of the Village of La Grange adopt the 2006-07 Operating and Capital Improvements Budget Amendment as set forth in the document as attached hereto and made a part here of.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006, pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006

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

ATTEST:

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

5-11-2



**VILLAGE OF LA GRANGE**  
**Finance Department**

**BOARD REPORT**

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

**FROM:** Bob Pilipiszyn, Village Manager,  
Lou Cipparrone, Finance Director

**DATE:** March 31, 2006

**RE:** **BUDGET AMENDMENT – TRAFFIC SIGNAL PREEMPTION CONTROL  
SYSTEM**

---

In March, 2000, the Village Board at that time adopted an agreement authorizing the Village of La Grange to participate in a program for a traffic signal preemption control system for eight signalized intersections within the Village. The work was being done as part of a larger project encompassing 80 signalized intersections within Cicero, Berwyn, La Grange, La Grange Park, Lyons and Western Springs. The program was organized by the West Central Municipal Conference with 70 percent of the cost funded by the federal Surface Transportation Program (STP) and the remaining 30 percent funded by the local municipalities. The Village of Western Springs served as the lead agency on the project.

The Village's share of project costs were previously budgeted as follows: \$4,500 for engineering in FY 2001-02 and \$19,000 for construction in FY 2002-03. Work on the project was delayed and not completed until September, 2004. During FY 2002-03 the Village of La Grange paid the Village of Western Springs \$5,730 for engineering services related to the project. It was anticipated final construction costs would also be incurred in FY 2003-04. No future budget amounts were allocated for this project after FY 2003-04. To date, we have incurred no expenditures for construction on this project.

Recently, the Village received two invoices from the Village of Western Springs for project construction costs totaling \$12,846. The costs associated with this project were not budgeted expenditures in FY 2005-06. Sufficient reserves are available within the Capital Projects Fund to fund this unbudgeted expenditure. Attached is the required budget amendment form requesting a budget amendment and resolution which formally incorporates the budget amendment into the FY 2005-06 Operating and Capital Improvements Budget.

5-1

As with previous projects involving the Illinois Department of Transportation (IDOT) and STP funding, invoices have been received long after construction has been completed, making it difficult to determine when final project close-out costs may be received. At this time we are not anticipating any further invoices for this project; however, the Village of Western Springs has not received verification from the State that final project costs have been determined.

We recommend approval of the attached resolution, amending the FY 2005-06 Operating and Capital Improvements Budget in the amount of \$12,846 for construction costs resulting from the installation of the traffic signal preemption control system.

5-1-1

RESOLUTION R-06-\_\_\_\_\_

BE IT RESOLVED that the President and Board of Trustees of the Village of La Grange adopt the 2005-06 Operating and Capital Improvement Budget Amendment as set forth in the document as attached hereto and made a part here of.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006, pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006

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

ATTEST:

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

5-I.2



VILLAGE OF LA GRANGE  
Administrative Offices

**BOARD REPORT**

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

FROM: Robert J. Pilipiszyn, Village Manager

DATE: April 10, 2006

RE: **FOR-PROFIT SOLICITATION – TRU GREEN**

---

The Village Code provides that whenever a for-profit organization desires to solicit in the Village of La Grange, their application for a license must be reviewed by the Village Board.

The following for-profit solicitor license application has been submitted to solicit in the Village and is presented for your consideration:

TruGreen Limited Partnership  
TruGreen Chem Lawn  
7650 W. 99<sup>th</sup> Street  
Hickory Hills, IL 60457

Branch Marketing Manager: Michael A. Ciucci  
Field Sales Manager: Beau Bloem  
Phone: (708) 430-5550  
Use: Lawn care service.

Tru Green ChemLawn is requesting permission to solicit in La Grange for services including lawn, tree and shrub care. They have provided the Village with a list of names, addresses, driver's license numbers and social security numbers for 18 individuals from their organization. Solicitation will be door-to-door, for a 15 day period yet to be determined. Additional regulations governing for-profit solicitation, which include a background clearance process, are attached for your reference.

We recommend that the above listed for-profit organization be approved to solicit in the Village of La Grange.

# Village of La Grange



## FOR-PROFIT SOLICITOR LICENSE APPLICATION

Please complete the following information in detail and return to the Village Clerk's Office at the address below. PLEASE PRINT OR TYPE.

Name of Business Tou Green Chem Lawn

Current Business Address 7650 W. 99th St.

Business Owner ~~W/A~~ Mike Ciurci - Marketing Manager

Business Phone 708-430-5550 Home Phone \_\_\_\_\_

Description of product or services to be solicited Lawn Care

Will solicitors be paid? No If so, how? \_\_\_\_\_

Do you have a permit to solicit in another community? Yes

If yes, where? Bridgeview; Burbank; ~~Westmont~~

Please provide two references from the municipality where you have previously solicited. Include names and addresses of persons listed.

- Janelle 6215 W. 79th St. Burbank, IL
- Stephen Pencak (Westmont)

If no, please provide three references, including names and addresses, from persons who are not related to the applicant or who are not otherwise in any way connected with the business operation of the organization seeking a solicitation permit.

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

List the complete names and addresses of those individuals who will be soliciting.

- Listed on attached sheets
- \_\_\_\_\_
- \_\_\_\_\_

I/we, the undersigned, further state that I/we am/are familiar with the ordinances of the Village of La Grange relating to the business or businesses covered by this application.

Signed [Signature]

Signed [Signature]

53 South La Grange Road P.O. Box 668 La Grange, Illinois 60525 (708) 579-2300 Fax (708) 579-0980

5-5.1

**FOR ADMINISTRATIVE USE ONLY**

Date Application Received 03-29-06

Fee \_\_\_\_\_ Receipt No. \_\_\_\_\_

Approval \_\_\_\_\_  
Village Manager

License granted by the President and Board of Trustees of the Village of La Grange on

\_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Village President

5-5.2

# Village of La Grange

## SOLICITOR/PEDDLER REGULATIONS FOR-PROFIT ORGANIZATIONS



Anyone wishing to solicit/peddle goods or services for profit in residential and/or commercial areas of the Village of La Grange must:

1. Complete an application for a solicitor/peddler license, available at the Village Clerk's Office at the address below.
2. Submit solicitor/peddler fee of \$25; the fee of \$15 per employee or volunteer may be submitted after Village Board approval.
3. Submit a list of the name, address and phone number of each solicitor/peddler.
4. Have the solicitor/peddler license approved by the Village President and Board of Trustees.

Once the solicitor/peddler license has been granted by the Village, the solicitor/peddler must:

1. Submit photographs of the individuals who will be soliciting/peddling in the Village. (Photos can also be taken at the La Grange Police Department, 304 West Burlington Avenue.) Identification cards will be prepared by the Village.
2. Have fingerprints taken at the La Grange Police Department.
3. Register in the registration book provided in the La Grange Police Department.
4. Receive from the La Grange Police Department a list of homes where no soliciting is permitted.

Solicitors/peddlers may only operate in the Village of La Grange as specified below:

1. No solicitation/peddling shall take place on Sundays, nor shall any solicitation/peddling exceed a maximum of 15 days in a 12-month period.
2. Solicitation/peddling shall be permitted only between the hours of 10:00 a.m. to 5:00 p.m. and from 7:00 p.m. to 9:00 p.m. on weekdays and Saturdays.

(over)

## Solicitor/Peddler Regulations

Those businesses or persons exempt from this procedure include:

- (1) Any person soliciting for, or selling tickets for, any approved religious, charitable, school, educational, veteran's or governmental organization.
- (2) Fraternal organizations having established local chapters.

However, all organizations are requested to register at the La Grange Police Department prior to soliciting/peddling.

08/02

H:\eelder\Solicitation\RulesForProfit.wpd

5-5.4

**VILLAGE OF LA GRANGE**

Disbursement Approval by Fund

March 27, 2006

Consolidated Voucher 060327

<u>Fund No.</u>	<u>Fund Name</u>	<u>03/27/06 Voucher</u>	<u>03/24/06 Payroll</u>	<u>Total</u>
01	General	60,928.35	193,917.38	254,845.73
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax			0.00
23	TIF	3,909.80		3,909.80
24	ETSB	529.82		529.82
40	Capital Projects	62,994.61		62,994.61
50	Water	9,684.87	29,066.83	38,751.70
51	Parking	226.65	17,517.76	17,744.41
60	Equipment Replacement	22,288.71		22,288.71
70	Police Pension			0.00
75	Firefighters' Pension			0.00
80	Sewer	2,373.64	6,593.06	8,966.70
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269			0.00
94	SAA 270			0.00
		<u>162,936.45</u>	<u>247,095.03</u>	<u>410,031.48</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

5-K

**VILLAGE OF LA GRANGE**

Disbursement Approval by Fund

April 10, 2006

Consolidated Voucher 060410

<u>Fund No.</u>	<u>Fund Name</u>	<u>04/10/06 Voucher</u>	<u>04/07/06 Payroll</u>	<u>Total</u>
01	General	116,615.40	280,770.12	397,385.52
21	Motor Fuel Tax			0.00
22	Foreign Fire Insurance Tax			0.00
23	TIF	435,624.51		435,624.51
24	ETSB	3,189.23		3,189.23
40	Capital Projects	255,920.44		255,920.44
50	Water	113,635.79	29,299.97	142,935.76
51	Parking	4,868.27	17,598.43	22,466.70
60	Equipment Replacement			0.00
70	Police Pension			0.00
75	Firefighters' Pension			0.00
80	Sewer	2,884.56	6,657.29	9,541.85
90	Debt Service			0.00
91	SSA 4A Debt Service			0.00
93	SAA 269	56,305.27		56,305.27
94	SAA 270	15,172.83		15,172.83
		<u>1,004,216.30</u>	<u>334,325.81</u>	<u>1,338,542.11</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

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Trustee

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Trustee

5-1

MINUTES

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

Monday, March 13, 2006 - 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 7:33 p.m. by President Asperger. On roll call, as read by Village Clerk Robert Milne, the following were:

PRESENT: Trustees Cremieux, Horvath, Langan, Livingston, and Wolf with President Asperger presiding.

ABSENT: Trustee Pann

OTHERS: Village Manager Robert Pilipiszyn  
Assistant Village Manager Sharon Peterson  
Village Attorney Mark Burkland  
Community Development Director Patrick Benjamin  
Village Planner Angela Mesaros  
Finance Director Lou Cipparrone  
Public Works Director Ken Watkins  
Police Chief Mike Holub  
Fire Chief David Fleege  
Doings Reporter Ken Knutson

2. PRESIDENT'S REPORT

A. Proclamation – Celebrating the 125<sup>th</sup> Anniversary of the First Congregational Church of La Grange

President Asperger read the Proclamation announcing the celebration of the First Congregational Church of La Grange's 125<sup>th</sup> Anniversary and presented it to church member Jerry Palmer who accepted it on behalf of Pastor Lucas and the congregation.

5-M

B. Presentation – Debra Vershelde, Executive Director, Southwest Suburban Center on Aging (Senior Center)

President Asperger introduced Executive Director Debra Vershelde and requested her to comment on citizen inquiries regarding the Senior Center. Ms. Vershelde explained that the Senior Center is not closing, however strategically relocating recreational activities, meal programs and classes in order to more effectively deliver social services to seniors in need of such support.

Ms. Gloria Beasley questioned why the Senior Center is being disrupted and programs being relocated.

President Asperger invited senior residents in attendance to meet with Ms. Vershelde in the lower level conference room to further discuss their concerns.

C. Appointments – Fire Pension Board and Police Pension Board

President Asperger explained that recent changes in Illinois Pension Law dictate a restructuring of the Village's Fire Pension Board. The amended statute requires a board made up of five members be in place by April 17, 2006 with three members of the board elected by the participants of the pension fund and the Village President appointing the other two members. One appointment for the initially constituted board would be for a three year term, and the other for a two year term in order that the appointed members' terms be staggered, thereafter appointments would be for three year terms. President Asperger recommended Fire Chief David Fleege be appointed for an initial term of three years and Finance Director Lou Cipparrone be appointed for an initial term of two years.

It was moved by Trustee Langan to approve the appointments of Fire Chief David Fleege to serve on the Fire Pension Board for a three year term and Finance Director Lou Cipparrone to serve on the Fire Pension Board for a two year term, seconded by Trustee Cremieux. Approved by unanimous voice vote.

In order to be consistent with the restructuring of the Fire Pension Fund Board, President Asperger recommended that Police Chief Michael Holub be appointed to fill the current vacancy on the Police Pension Board for a two year term and when the term of the other board member expires in 2007 to recommend the appointment of Finance Director Lou Cipparrone.

It was moved by Trustee Langan to approve appointments of Police Chief Michael Holub to serve on the Police Pension Board for a two year term and Finance Director Lou Cipparrone to serve on the Police Pension

5-M.1

Board beginning in 2007, seconded by Trustee Cremieux. Approved by unanimous voice vote.

Although Trustee Wolf will be presenting agenda item 5B regarding the non-home rule sales tax, President Asperger wished to clarify for the benefit of the public, that the wording of the referendum ballot question was incomplete and the manner by which it would be addressed. President Asperger explained that in March of 2004 a referendum was approved by the voters for a ¼ of 1% increase for a non-home rule sales tax. It was brought to the Village's attention that the wording on the referendum was incomplete in that it omitted specific reference to the "service occupation tax" component of the sales tax; the language referred only to the "retailer's occupation" component of the tax. After disclosure to the Illinois Department of Revenue, the Village was advised by them to proceed in approving an ordinance necessary to impose the tax and that the Department of Revenue would review the matter administratively.

Continuing with announcements, President Asperger stated that the Board had previously met in a workshop to review the Village budget which is currently available for inspection at the La Grange Public Library and in the Village Clerk's office. President Asperger commended Finance Director Lou Cipparrone and his staff and noted that the Village Manager's budget message would be posted on the Village's website. The public hearing for the proposed budget is scheduled for Monday, April 10, 2006 whereby all written and oral comments regarding the budget can be made and considered by the Village Board.

Lastly, President Asperger noted that the Plan Commission would meet Tuesday, March 14 in order to discuss a proposal presented to the Village regarding a Special Use Permit for the nursing home located at 339 S. Ninth Avenue.

### 3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

Mr. Jim Palermo, 216 S. Ashland requested the entire budget be placed on the Village's website. President Asperger indicated that the Board would take Mr. Palermo's request into consideration.

Reverend Debra Williams requested an explanation of the not-for-profit solicitation for Helping Hand Rehabilitation. President Asperger explained that the Village has received a first time request to solicit donations from Helping Hand Rehabilitation Center who provide services for children and adults with developmental disabilities.

### 4. OMNIBUS AGENDA AND VOTE

- A. Advance Purchase – Fire Department / Utility Vehicle Replacement – (Anderson Ford of Berwyn, Illinois \$17,608)

5-M.2

- B. Award of Contract – Water System / High Lift Pump Replacement (Municipal Well and Pump of Waupum, Wisconsin \$11,433)
- C. Not-For-Profit Solicitation Permit – Helping Hand Rehabilitation Center
- D. Consolidated Voucher 060227 - \$532,805.33
- E. Consolidated Voucher 060313 - \$635,133.06
- F. Minutes of the Village of La Grange Board of Trustees Regular Meeting, Monday, February 13, 2006

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

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

5. CURRENT BUSINESS

- A. Ordinance (#O-06-01) – Variation – Maximum Building Coverage / Timothy and Stephanie Beale, 444 S. 8<sup>th</sup> Avenue: Referred to Trustee Livingston

Trustee Livingston explained that this new application submitted by the petitioners is to construct an addition which would meet the required setbacks of the Zoning Code but would exceed the maximum building coverage. Trustee Livingston added that the Zoning Board of Appeals held a public hearing at which the petitioners presented their application. The motion to recommend that the variation be granted carried by a vote of five ayes and two nays with conditions that no further additions to the principal structure increasing livable areas be considered for the property. The petitioners did not object to the provision, therefore, the ordinance before the Board provides that the provision would be recorded against the property in the Cook County Recorder's office, thereby ensuring that future owners will have knowledge of the provision and be bound by it.

Trustee Horvath expressed his favorable agreement with the compromise the petitioners had made in their application. Trustee Wolf inquired if the variation was just for this particular property and was informed yes.

It was moved by Trustee Livingston to approve the ordinance authorizing the variation, seconded by Trustee Cremieux. Approved by roll call vote.

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

B. Ordinance (#O-06-02) Non-Home Rule Sales Tax: Referred to Trustee Wolf

Trustee Wolf explained that in March of 2004 a referendum was approved by the voters for a ¼ of 1% increase for a non-home rule sales tax. Due to incorrect wording it is now necessary that the ordinance before the Board, which was based on the model drafted by the Illinois Department, be adopted in order to include both the “retailer’s occupation” and “service occupation” components of the tax. Trustee Wolf added that the ordinance must be filed with the State prior to April 1<sup>st</sup> in order for the tax to be effective July 1, 2006.

It was moved by Trustee Wolf to adopt the ordinance imposing non-home rule municipal retailers’ occupation and non-home rule municipal service occupation taxes, seconded by Trustee Cremieux. Approved by roll call vote.

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

C. Resolution (#R-06-04) – Ratification of Collective Bargaining Agreement Between the Village of La Grange and IAFF Local No. 2338 (Fire Fighters and Fire Lieutenants): Referred to Trustee Cremieux

Trustee Cremieux stated that the collective bargaining agreement with Local No. 2338 of the International Association of Fire Fighters expired on April 30, 2004. Without interest arbitration this new five-year collective bargaining agreement represents a negotiated settlement between the parties. Trustee Cremieux summarized key economic and non-economic items negotiated in the contract being wages; health insurance; sick leave buy back; hours of work / Fair Labor Standards Act or FLSA days; promotions; and duration of contract.

Trustee Cremieux added that the tentative agreement was ratified by the Union on January 19, 2006 and would become effective upon ratification by the Village Board, with the exception of wages which are retroactive to May 1, 2004.

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It was moved by Trustee Cremieux to approve the Resolution for ratification of the collective bargaining agreement between the Village of La Grange and the International Association of Fire Fighters, Local No. 2338, seconded by Trustee Horvath. Approved by roll call vote.

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

Trustee Livingston commended Fire Chief Fleege and his department along with the administrative staff in working through lengthy and complex issues. Trustee Cremieux concurred.

6. MANAGER'S REPORT

Village Manager Pilipiszyn announced that early voting and in-person absentee voting are being conducted at the Village Hall weekdays from 8:30 a.m. to 12 noon and 1:00 p.m. to 5:00 p.m. with additional hours for in-person absentee voting on Saturday, March 18 from 9:00 a.m. to 12 noon for the upcoming Primary Election on Tuesday, March 21. Manager Pilipiszyn explained that the new early voting would require voters to supply a driver's license, passport or state identification card and would be conducted through March 16. In-person absentee voting would require voters to declare a reason they would not be able to go to their polling place on election day.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

Amy and Paul Parker, 624 S. Stone expressed their dissatisfaction with the Police Department in handling an incident involving their son. They do not feel the Police did an adequate job and failed to supply records. Mrs. Parker recited incidents involving other individuals she spoke to who concur with her interpretations and dissatisfaction with the Police. Mrs. Parker stated hearsay of racial profiling, humiliation, and failure to maintain adequate records.

President Asperger thanked Mr. and Mrs. Parker for advising the Board of their concerns and assured them that the Village is committed to public service. President Asperger noted her belief that the Police had complied with the law regarding the incident. President Asperger acknowledged that the Board would follow-up on customer service issues.

Rose Naseef, 911 S. Stone indicated she had been following the work of the Zoning Review Committee and inquired when the next session would occur and when would it be brought to the Board. President Asperger explained that recommendations for variations are currently being drafted. Village Attorney Burkland stated that a date for the next meeting would be forthcoming. President Asperger noted that the draft document would go back to the advisory committee

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then to the Plan Commission and possibly in the fall be ready for Village Board consideration.

8. EXECUTIVE SESSION

A. Closed Session – Personnel Matters

It was moved by Trustee Langan and seconded by Trustee Horvath to convene in Executive Session to discuss personnel matters. Approved by roll call vote.

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

9. TRUSTEE COMMENTS

Trustee Cremieux was sympathetic to Mr. and Mrs. Parker however believes the Police Department as a whole is doing a fine job. Trustee Langan concurred.

10. ADJOURNMENT

At 8:50 p.m. it was moved by Trustee Langan to adjourn to the lower level conference room for closed session.

ATTEST:

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

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

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

5-11-06

**CURRENT BUSINESS**

VILLAGE OF LA GRANGE  
Finance Department

**BOARD REPORT**

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

FROM: Bob Pilipiszyn, Village Manager,  
Lou Cipparrone, Finance Director,  
Joe Munizza, Assistant Finance Director

DATE: April 3, 2006

RE: **RESOLUTION — APPROVING THE FY 2006-07 OPERATING  
AND CAPITAL IMPROVEMENTS BUDGET**

---

Please find attached a resolution approving the Village of La Grange's annual Operating and Capital Improvements Budget for the fiscal year beginning May 1, 2006. Several workshops, including a strategic planning session by the Village Board, have been conducted over the past six months to develop this final FY 2006-07 Five-Year Operating and Capital Improvement Budget document. In addition, a public hearing was held earlier this evening to provide residents with the opportunity to comment on the proposed budget document.

The format for this budget document includes revenue, expenditure and fund balance projections, by fund and account, for each of the Village's 14 funds for the five-year period ending April 30, 2011. The budget document also includes a report on consolidated revenues and expenditures without interfund transfers and a schedule of anticipated property tax levies.

Capital expenditures of approximately \$3.2 million are budgeted in FY 2006-07. This total consists of \$1.5 in street and alley improvements, \$910,000 for water and sewer improvements, \$300,000 for parking structure improvements, \$230,000 for the street light replacement program debt service, \$200,000 for wayfinding signage in the Central Business District and \$75,000 in sidewalk, gutter and other improvements. Please note, these budget estimates reflect expenditures anticipated to occur within FY 2006-07 and do not necessarily reflect the total cost of the project.

In order to continue to provide the high level of public services to the community, the five-year operating and capital improvement budget includes several revenue enhancements mostly in the form of user fees to avoid placing an added burden on residents via property taxes. These alternate revenues sources include a .25% non-home rule sales tax beginning in FY 2006-07 and the elimination of the sales tax TIF in FY 2007-08. As a matter among the Village Board's fiscal

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policies and strategic priorities, the Village will continue to explore alternative revenue options to lessen the burden of property taxes on Village residents and businesses.

Please find attached a summary of revenue and expenditure adjustments which reconciles the preliminary FY 2006-07 budget to the final FY 2006-07 budget. Adjustments reflected in the reconciliation are as follows:

- 1) The renewal of the Village's group health insurance plan with no premium increase rather than the estimated 10 percent increase in the proposed budget. This is the second straight year the Village has been able to renew our group health insurance plan with no increase in premiums. These favorable renewals were made possible due to lower costs resulting from plan design changes, general downward cost trend in the healthcare industry and a decrease in benefit utilization by employees. The renewal with no premium increase represents a total cost savings to the Village of approximately \$82,000 in FY 2006-07.
- 2) The Village Planner position was reclassified to Assistant Community Development Director/Village Planner. This reclassification denotes a strategic shift by the Village to further emphasize the application of professional, comprehensive and technical land use planning principles in managing the development of La Grange for the foreseeable future. This reclassification is a promotion and so a corresponding salary increase is included in the FY 2006-07 full-time salaries budget. IMRF contributions and FICA/Medicare expenditures have also been adjusted to reflect the increase in full-time salaries. FY 2006-07 expenditures increase by \$3,300 as a result of the reclassification.
- 3) The total number of weekly hours budgeted for part-time dispatching increased from 20 to 30 hours. The additional 10 hours budgeted for part-time telecommunication officers will provide temporary coverage when full-time staff is on approved leave and more extensive coverage during peak call volume periods. FICA/Medicare expenditures have also been adjusted to reflect the increase in part-time salaries. Expenditures increase by \$3,700 in FY 2006-07 due to the additional hours budgeted.
- 4) At the direction of the Village Board, an interfund transfer scheduled for FY 2005-06 was eliminated. The one-time transfer, in the amount of \$356,710, from the General Fund to the TIF Fund reflected additional funding budgeted for the parking structure. The final estimated cost of the parking structure exceeded original estimates by this amount due to poor soil conditions, increased material costs and the addition of the public plaza. Based on the current estimated cost to complete the parking structure and availability of funding within the TIF Fund, the Village Board concluded that this transfer from the General Fund was no longer required.

6-A.1

Only the FY 2006-07 budget is required to be adopted tonight. Subsequent year budgets through FY 2010-11 are presented for informational purposes. The five year projections provide a comprehensive planning tool for forecasting revenues and expenditures for future years, in order to maintain the Village's strong financial position over the long term.

We are pleased to recommend approval of the attached resolution, adopting the FY 2006-07 Operating and Capital Improvements Budget.

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VILLAGE OF LA GRANGE  
 VILLAGE BUDGET ADJUSTMENTS  
 FY 2006-07 THROUGH FY 2010-11

SUMMARY OF ADJUSTMENTS (Excluding Public Library Fund)

	2005-06 EST ACT	2006-07 BUDGET	2007-08 BUDGET	2008-09 BUDGET	2009-10 BUDGET	2010-11 BUDGET
<b>ALL FUNDS-REVENUES</b>						
PROPOSED ALL FUNDS REVENUES	33,672,026	33,078,121	26,205,938	25,329,878	26,896,116	26,448,311
REVISED ALL FUNDS REVENUES	33,315,316	33,078,121	26,205,938	25,329,878	26,896,116	26,448,311
ALL FUNDS-REVENUE ADJUSTMENTS INCREASE (DECREASE)	(356,710)	-	-	-	-	-
<b>ALL FUNDS-EXPENDITURES</b>						
PROPOSED ALL FUNDS EXPENDITURES	35,484,899	31,103,566	23,301,148	23,233,568	23,324,778	23,211,564
REVISED ALL FUNDS EXPENDITURES	35,128,189	31,028,333	23,218,185	23,141,063	23,224,317	23,100,537
ALL FUNDS-EXPENDITURE ADJUSTMENTS INCREASE (DECREASE)	356,710	75,233	82,963	92,505	100,461	111,027

GENERAL FUND SURPLUS/(DEFICIT)

PROPOSED GENERAL FUND SURPLUS/(DEFICIT)	(254,009)	21,179	321,397	206,378	59,205	(110,620)
GENERAL FUND REVENUE ADJUSTMENTS	-	-	-	-	-	-
GENERAL FUND EXPENDITURE ADJUSTMENTS	356,710	59,762	65,944	73,786	79,871	88,374
REVISED GENERAL FUND SURPLUS/(DEFICIT)	102,701	80,942	387,342	280,164	139,075	(22,245)

DETAIL OF ADJUSTMENTS

REVENUES - GENERAL FUND

FUND	ACCOUNT	DESCRIPTION	2005-06 EST ACT	2006-07 BUDGET	2007-08 BUDGET	2008-09 BUDGET	2009-10 BUDGET	2010-11 BUDGET
N/A	N/A	N/A	-	-	-	-	-	-
TOTAL GENERAL FUND REVENUE ADJUSTMENTS			-	-	-	-	-	-

REVENUES - OTHER FUNDS

TIF	23-00-59-5901	ELIMINATE TRANSFER FRM GEN. FUND	(356,710)	-	-	-	-	-
TOTAL OTHER FUNDS REVENUE ADJUSTMENTS			(356,710)	-	-	-	-	-

TOTAL ALL FUNDS REVENUE ADJUSTMENTS

(356,710)	-	-	-	-	-
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EXPENDITURES - GENERAL FUND

FUND	ACCOUNT	DESCRIPTION	2005-06 EST ACT	2006-07 BUDGET	2007-08 BUDGET	2008-09 BUDGET	2009-10 BUDGET	2010-11 BUDGET
COM DEV	01-06-60-6000	F/T SALARIES ASST. CD DIR. 5% INCREASE	-	(2,803)	(3,019)	(2,400)	(3,868)	(3,964)
COM DEV	01-06-60-6004	ADDTL. IMRF CONTRIBUTIONS	-	(294)	(332)	(264)	(426)	(436)
COM DEV	01-06-60-6005	ADDTL. FICA/MEDICARE	-	(214)	(231)	(183)	(296)	(303)
POLICE	01-07-60-6001	P/T DISPATCH SAL. ADDTL 10 HRS PER WK	-	(3,499)	(3,714)	(3,942)	(4,185)	(4,442)
POLICE	01-07-60-6005	ADDTL. FICA/MEDICARE	-	(268)	(284)	(301)	(320)	(340)
ADM.	01-02-60-6010	HEALTH INS. SAVINGS-NO INCREASE	-	3,461	3,807	4,188	4,607	5,067
FINANCE	01-03-60-6010	HEALTH INS. SAVINGS-NO INCREASE	-	4,479	4,926	5,419	5,961	6,557
COM DEV	01-06-60-6010	HEALTH INS. SAVINGS-NO INCREASE	-	2,853	3,137	3,451	3,797	4,176
POLICE	01-07-60-6010	HEALTH INS. SAVINGS-NO INCREASE	-	26,734	29,407	32,348	35,582	39,141
FIRE	01-09-60-6010	HEALTH INS. SAVINGS-NO INCREASE	-	18,323	20,155	22,171	24,388	26,826
DPW	01-11-60-6010	HEALTH INS. SAVINGS-NO INCREASE	-	10,992	12,091	13,300	14,631	16,094
GEN. LDG	01-19-69-6940	ELIMINATE TRANSFER TO TIF FUND	356,710	-	-	-	-	-
TOTAL GENERAL FUND EXPENDITURE ADJUSTMENTS			356,710	59,762	65,944	73,786	79,871	88,374

EXPENDITURE - OTHER FUNDS

WATER	50-00-60-6010	HEALTH INS. SAVINGS-NO INCREASE	-	8,348	9,184	10,101	11,111	12,223
PARKING	51-00-60-6010	HEALTH INS. SAVINGS-NO INCREASE	-	3,053	3,358	3,693	4,062	4,470
SEWER	80-00-60-6010	HEALTH INS. SAVINGS-NO INCREASE	-	4,070	4,478	4,925	5,416	5,960

TOTAL OTHER FUNDS EXPENDITURE ADJUSTMENTS

-	15,471	17,020	18,719	20,590	22,653
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TOTAL ALL FUNDS EXPENDITURE ADJUSTMENTS

356,710	75,233	82,964	92,505	100,461	111,027
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6-A.3

RESOLUTION R-06-\_\_\_\_\_

BE IT RESOLVED that the President and Board of Trustees of the Village of La Grange adopt the FY 2006-07 Operating and Capital Improvements Budget as set forth in the budget documents as attached hereto and made a part hereof.

Adopted this 10<sup>th</sup> day of April, 2006, pursuant to a roll call vote as follows:

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

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

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

Approved by me this 10<sup>th</sup> day of April, 2006

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

ATTEST:

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

Filename:\users\finance\budget-resolution.doc

6-A.4

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  
Lou Cipparrone, Finance Director

DATE: April 10, 2006

RE: **RESOLUTION —ENDORSEMENT OF APPLICATION FOR COOK  
COUNTY CLASS 6(b) PROPERTY TAX INCENTIVE / 704 E. ELM**

---

Mr. Bill Leonhard, President of Allied Waterproofing, currently located in Lyons, has approached the Village of La Grange about the potential for a Class 6(b) Cook County property tax abatement to develop a new industrial building at 704 E. Elm Avenue. This is the final, undeveloped parcel in the Rante Industrial Park approved by the Village in 1991 (now called the La Grange Commerce Park). The first three buildings were also constructed with 6(b) tax incentives, which have since expired. It is Mr. Leonhard's intention to construct a building of approximately 8,200 square feet, which will be comparable in appearance and size to the adjacent industrial structures. The proposed building would consist of roughly 25% office space and 75% warehouse space. Mr. Leonhard plans to be the sole occupant of the building with his waterproofing business. This is a contract purchase, contingent upon acquiring Class 6(b) tax status.

The Cook County Class 6(b) tax incentive program is designed to retain and encourage development of industrial uses which could otherwise relocate to the collar counties where industry is assessed at a lower rate. Properties that receive Class 6(b) property tax abatements are assessed at 16% of market value for the first 10 years, 23% in the 11<sup>th</sup> year, 30% in the 12<sup>th</sup> year, and back to the current industrial tax rate of 36% beginning the 13<sup>th</sup> year, which is also when the incentive ends. This constitutes a substantial reduction in the level of assessment and results in significant tax savings. Without this incentive, industrial real estate would normally be assessed at 36% of its market value. The County will not grant the incentive without approval from the host municipality in the form of a resolution in support of the application. It is important to note that there has been little or no interest in developing this property in recent years and without the requested Class 6(b) incentive, it is not likely that it will be developed any time in the foreseeable future.

6-B

Staff has analyzed the proposal and determined the following:

- The vacant parcel currently generates a total of \$2,300 in annual property tax revenue.
- If the property is developed as proposed, we project total net annual property tax revenue to be \$13,900 while the property is assessed at a rate of 16% for the first ten years of the program.
- At the conclusion of the program (after 12 years), when the property is assessed at 36%, we project total net annual property tax revenue to be \$34,200. This is fifteen times greater than the current property tax revenue generated by the vacant parcel.
- All taxing bodies (not just the Village) would benefit from this development in the form of new growth when the new industrial building is placed on the tax rolls and again, near the end of the abatement period.

For these reasons, we recommend approval of the attached resolution which signifies to the County, the Village's endorsement of Mr. Leonhard's Class 6(b) tax abatement application.

In the past the Village of La Grange has approved similar types of incentives for the La Grange Commerce Park, Julian Electric, Tunnel Electric, Ramm Brick and Burke Beverage.

Mr. Leonhard will be in attendance at your meeting to answer any questions you may have regarding this request or his proposed new building.

6-B.1

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION INDICATING MUNICIPAL SUPPORT FOR A  
COOK COUNTY REAL ESTATE CLASS 6(B)  
PROPERTY TAX INCENTIVE TO  
704 EAST ELM

WHEREAS, Mr. Bill Leonhard, owner of Allied Waterproofing, has requested a Class 6(b) property tax incentive, which provides industrial applicants a reduction in the assessed valuation of an industrial facility to encourage companies to locate and expand within Cook County; and

WHEREAS, the Village of La Grange has considered the merits of endorsing a request for a Class 6(b) Assessment Reduction to Mr. Bill Leonhard for the construction of a new light industrial building at 704 East Elm in La Grange, Illinois; and

WHEREAS, the Village Board of Trustees has determined that approval of a 6(b) real estate classification for 704 East Elm is necessary for the construction of a new light industrial facility to occur and will be beneficial to the Village of La Grange; and

WHEREAS, the Village Board of Trustees has determined that approval of 6(b) incentive is necessary for Mr. Bill Leonhard of Allied Waterproofing to commence the development at 704 East Elm and expand his business into the Village of La Grange.

NOW THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of La Grange, County of Cook, State of Illinois, that the President and Board of Trustees find that the Class 6(b) incentive is necessary for the new light industrial development to occur on the real property located at 704 East Elm, La Grange, Illinois; and

BE IT FURTHER RESOLVED, that the Village Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor.

ADOPTED by the Village Board of Trustees of the VILLAGE OF LA GRANGE, Illinois the \_\_\_\_\_ day of \_\_\_\_\_, 2006, pursuant to a roll call vote as follows:

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

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

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

6-B.2

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

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

6-B.3



# Allied Waterproofing, Inc.

4205 Lawndale Avenue • Lyons, IL 60534-1131  
(708) 447-6800 • (708) 447-6020 Fax

March 1, 2006

Ms. Elizabeth Asperger  
Village President  
Village of LaGrange  
53 S. LaGrange Rd.  
LaGrange, IL 60525

Fax: 708-579-0980

Re: <sup>712</sup>  
704 East Elm Street – "6b tax consideration"

Dear Ms. Asperger:

I am seeking a resolution from the Village Board for a Class 6-b tax incentive for the subject property listed above. My intention is to develop the parcel of land bearing the Property Index Number (PIN) 18-04-412-068-0000. The lot is located in the southwest corner of the development commonly known as "LaGrange Commerce Park". (Photo 1)

I understand that the land in question has been undeveloped for about 10 years. But for my proposed structure, the land in question could remain undeveloped for an undetermined period of time. My plan is to construct a building which measures roughly 8,200 square feet and is comparable in appearance to the existing buildings in the complex. (Photo 2) The proposed building will consist of roughly 25% office space and 75% warehouse space.

If approved, the new building would enhance the appearance of the complex and provide greater tax revenue to the Village. My company (Allied Waterproofing) employs over 30 people who will also contribute to the local economy.

Since 1990, I have leased warehouse space in Brookfield and Lyons. In order to house our growing business, I would like to construct a facility that better meets our needs. The parcel of land on Elm Street meets our space and location requirements very well. As a 20 year resident of LaGrange, I would like to build in my home town.

Thank you in advance for your time and consideration. I look forward to hearing from you soon.

Yours Truly,

Bill Leonhard, President  
Allied Waterproofing, Inc.



**SEALANT, WATERPROOFING  
& RESTORATION INSTITUTE**  
Board Member



**INTERNATIONAL  
CONCRETE REPAIR  
INSTITUTE**

6-B.4

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6-B.5-





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: April 10, 2006

RE: **ENGINEERING SERVICES AGREEMENT – MAPLE AVENUE  
RELIEF SEWER (MARS) PROJECT (Phase I)**

---

As discussed at the Capital Projects Workshop on January 30, 2006, we are embarking on a multi-year initiative to construct a relief storm sewer in Maple Avenue from our Deep Tunnel connection near East Avenue and Cossitt Avenue, west to Peck Avenue. The first phase of MARS requires the installation of an outlet sewer which will connect the Bluff Avenue corridor to the Deep Tunnel connection near Cossitt Avenue and East Avenue.

The construction of this outlet sewer will be completed in conjunction with the Bluff Avenue Reconstruction Project. Because MARS is being funded solely using Village funds, a separate engineering services agreement is necessary. We will, however, propose to the regional transportation council that MARS will serve to facilitate drainage in the Bluff Avenue corridor, and thus request an amendment to increase our allocation of federal funds for the Bluff Avenue Reconstruction Project (engineering and construction).

Attached for your consideration is an engineering services agreement from Heuer and Associates, the Village Engineer. Mr. Heuer proposes to complete the planning and design of the first phase of the MARS project in an amount not to exceed \$140,055. We have reviewed the agreement and find it to be in order with our project expectations.

Because the sewer outlet must be designed in conjunction with and as part of the Bluff Avenue Project we recommend that the Fiscal Year 2006-07 budget be amended to reflect the \$140,055 cost of engineering. There are sufficient funds in the Village budget for these professional services (earmarked in FY 2008-09). This does not change the estimated project cost as discussed at the Capital Projects Workshop, but allocates the cost of engineering to the appropriate fiscal year. We have attached the appropriate Resolution and Budget Amendment Request form for your review and consideration.

6-C

Engineering Service Agreement – Maple Avenue Relief Sewer Project  
Board Report – April 10, 2006 – Page 2

We recommend that the engineering services agreement for Phase I of the MARS project as submitted by Heuer and Associates in an amount not to exceed \$140,055 be approved. We also recommend that the Resolution and budget amendment in the amount of \$140,055 to allocate the cost of design engineering related to the first phase of the MARS project to FY 2006-07 be approved.

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6-C.1

**ENGINEERING SERVICES AGREEMENT**  
**PLANNING AND DESIGN**  
for the  
**BLUFF-MAPLE AVENUE OUTLET SEWER**

---

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 for Professional Engineering Services for roadway improvements in that portion of the Village identified as *Bluff-Maple Avenue Outlet Sewer*. 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**

This project encompasses the planning and design of a key sewer segment intended to function as the outlet for the future Maple Avenue relief sewer (MARS). Critically, it will also function as the outlet for the surface drainage system that will be constructed as part of the scheduled Bluff Avenue roadway reconstruction project. The dual purpose and critical functionality of this sewer lends it a uniquely important position, as neither the Bluff Avenue improvement project nor the Maple Avenue relief sewer project can be constructed without the outlet. The planning and design of the project, which must be developed with regard to the objectives of both projects, must be carefully coordinated and crafted so that work can occur in sequence with the federally funded roadway improvement, while also facilitating future extensions of the relief sewer along Maple Avenue as this program goal is also realized.

The construction scope preliminarily defined for the outlet sewer, involves the installation of about 1,707 feet of sewer that will connect the Bluff Avenue corridor drainage system to the existing MWRD deep tunnel connection structure located at Cossitt Avenue and East Avenue. As presently planned the project would extend a 10 foot diameter pipe from the deep tunnel port to Washington Avenue, construct a 6 foot diameter pipe in Washington Avenue from Cossitt Avenue to Maple Avenue, and construct 6 foot diameter pipe in Maple Avenue from Washington Avenue to Bluff Avenue. The construction will require the excavation and tunneling to cross beneath the Indiana Harbor Belt Railway and other developed portions of the construction route. Given the anticipated depth of construction, the excavation is expected to encounter a broad range of soil types including rock, cobble, sand, gravel, silt, and clay, lending a certain degree of difficulty to the project. Given these parameters, the construction cost has been estimated to total about \$1,582,175, which yields an average cost per foot of about \$927. This expense will be validated during the planning and design process encompassed by this agreement. The services provided by the ENGINEER will include the preparation of detailed plans, specifications, special provisions, and cost estimates required to construct the improvement in conformance with the requirements of the funding and permitting agencies. It should be noted that the engineering administration services required for the construction of the outlet sewer, are expected to be included as part of a separate construction engineering services agreement, that will be developed for the STP funded Bluff Avenue improvement project.

6-C.2

The services provided by the ENGINEER for this planning and design agreement, have been divided into three basic work tasks as defined in the following.

**TASK 1: Planning & Design**

This activity involves the completion of field surveys, the preparation of schematic planning documents and drainage calculations, meetings and communications with the MWRD, meetings and communications with IDOT, review and selection of construction materials and methods, and the preparation of detailed plans.

**TASK 2: Specifications & Permits**

This task involves the preparation of general conditions, special provisions, construction specifications, bidding documents, and permit documents required to implement the construction phase of the project. Since the construction is expected to be sequenced with the improvement of Bluff Avenue, and is likely to be constructed as part of Bluff Avenue project, the contract documents are expected to conform to IDOT requirements. Coordination with IDOT is expected to be required as part of this task.

**TASK 3: Quantities & Estimates**

This task includes the determination of contract pay items, quantities, and cost estimates required to validate the project cost and meet the funding and construction requirements of IDOT. Final coordination with IDOT is expected to be required as part of this task. This item also involves the transmittal of completed documentation required to solicit and secure bids.

**B. SCHEDULE OF SERVICES**

The following schedule pertaining to the work tasks defined for this project has been prepared to establish the projected duration of the project. As all phases are somewhat interdependent the completion date is expected to occur around the same time.

TABLE 1: PROJECT SCHEDULE	
Work Task	Completion Date
Task 1: Planning & Design	November 2006
Task 2: Specifications & Permits	November 2006
Task 2: Quantities & Estimates	November 2006

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### 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.

TABLE 2: HOURLY RATE SCHEDULE	
Labor Category	Hourly Rate
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 shall be issued on monthly or other appropriate intervals determined by project schedule. 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. Also shown is the expected outside sub-contract services for such activities as material testing. 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 \$140,055.77.

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TABLE 3: COMPUTATION OF PROJECT COST						
Labor Category	Hourly Rate	Task 1: Planning & Design	Task 2: Specification & Permits	Task 3: Quantities & Estimates	Total Hours	Total Cost
Principal Engineer	\$115.93	160.0	77.0	40.0	277	\$32,112.61
Senior Engineer	\$97.54	211.0	40.0	75.0	326	\$31,798.04
Staff Engineer	\$82.26	330.0	17.0	50.0	397	\$32,657.22
Staff Engineer	\$80.87	130.0	40.0	40.0	210	\$16,982.70
Staff Engineer	\$74.77	183.0	0.0	50.0	233	\$17,421.41
Technician	\$64.80	20.0	45.0	20.0	85	\$5,508.00
Hour Sub-totals:		1,034.0	219.0	275.0	1,528	
Cost Sub-totals:		\$91,767.55	\$20,377.43	\$24,335.00		
Other Direct Costs: Reproduction						\$3,575.79
TOTAL for Engineering Services. . . .						\$140,055.77

**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

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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 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

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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.
- (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

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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.

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**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 \_\_\_\_\_, 2006

*VILLAGE OF LAGRANGE*

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

By: \_\_\_\_\_  
Elizabeth M. Asperger  
President, Village of LaGrange

ATTEST:

By: \_\_\_\_\_  
Robert N. Milne  
Clerk, Village of LaGrange

Executed by the ENGINEER:

3<sup>rd</sup> Day of April, 2006

*HEUER AND ASSOCIATES, P.C.*

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

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

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RESOLUTION R-06-\_\_\_\_\_

BE IT RESOLVED that the President and Board of Trustees of the Village of La Grange adopt the 2006-07 Operating and Capital Improvements Budget Amendment as set forth in the document as attached hereto and made a part here of.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006, pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006

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

ATTEST:

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

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VILLAGE OF LA GRANGE  
Administrative Offices

**BOARD REPORT**

TO: Village Clerk, Board of Trustees and  
Village Attorney

FROM: Elizabeth M. Asperger, Village President

DATE: April 10, 2006

RE: **CLOSED SESSION — PURCHASE, SALE, OR LEASE OF REAL  
PROPERTY**

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It is requested that the Village Board meet in Closed Session, in accordance with Section 5 ILCS 120/2 of the Illinois Compiled Statutes, for the purpose of discussing the purchase, sale, or lease of real property.

CSRealEstate

9-A