

Agenda
Glen Ellyn Village Board of Trustees
Monday, April 26, 2010
8:00 p.m. – Galligan Board Room

1. Call to Order
2. Roll Call
3. Pledge of Allegiance to be led by Patti Taves, who will share information regarding the One Voice Choir, an interfaith teen outreach choral group.
4. Village Recognition
 - A. Letter from a representative of the Glen Ellyn P.E.O. (Philanthropic Educational Organization), forwarding their thanks to Planning and Development Director Staci Hulseberg for her presentation on future plans for Glen Ellyn.
 - B. Letter of thanks from a grateful resident to Police Officers Paul Baird and Kyle Duffie.
 - C. The Village Board accepted resignations from the following Commissioners and would like to thank them for their years of service to the Village:

Michael Harrington	Police Pension Board
Erik Nielsen	Building Board of Appeals
5. Audience Participation (Pages 7 – 9)
 - A. Union Pacific Railroad presentation
 - B. Proclamation declaring Friday, April 30 as Arbor Day in Glen Ellyn. Village Forester Peggy Drescher will be present to accept the proclamation and to provide some background information on the Village's Arbor Day activities.
 - C. Proclamation congratulating the Three Fires Council of the Boy Scouts of America as they celebrate 100 years of value-based commitment to our country's youth.
 - D. Proclamation designating Thursday, May 13 as a RED Day, a community service day to Renew, Energize, and Donate.
6. Consent Agenda (Pages 10 – 123)

The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below: (*Trustee Hartweg*)

- A. Village Board Meeting Minutes:
 - 1. January 18, 2010 Workshop
 - 2. January 18, 2010 Special Board Meeting
 - 3. April 12, 2010 Workshop
 - 4. April 12, 2010 Regular Meeting

- B. Total Expenditures (Payroll and Vouchers) - \$1,039,881.92.

The vouchers have been reviewed by Trustee Hartweg prior to this meeting.

- C. Motion to approve the following executive session minutes which are not ready to be released:

02-14-00	08-22-05	04-30-07	04-28-08	11-10-08
03-13-00	10-10-05 ^(Sec 2)	05-07-07	07-28-08	11-24-08
07-24-00	10-24-05	06-25-07 ^(Sec 1,4,5)	08-11-08	12-15-08
02-28-05	04-10-06	11-05-07	08-18-08	02-23-09
03-28-05	09-18-06	12-20-07	09-22-08	04-27-09
08-15-05	10-23-06	03-24-08	10-27-08	05-11-09
05-18-09	07-27-09	10-26-09	02-12-07	02-15-10
05-26-09(2)	08-10-09	11-09-09	12-07-09	02-22-10
06-08-09	08-17-09	11-16-09	12-14-09	03-08-10
06-15-09	08-24-09	11-23-09(1)	01-11-10	03-22-10
06-22-09	09-14-09	11-23-09(2)	01-25-10	
07-13-09	10-19-09	03-26-07	02-08-10	

- D. Motion to approve the recommendation of Village President Pfefferman that William Housey be appointed to the Police Pension Board for a term ending April, 2012.

- E. Motion to waive Section 8-1-12 (Merchandise on Public Ways), Section 4-5-9 (Special Event Signs) and Chapter 3-23 (Peddlers) of the Village Code for the Glen Ellyn Chamber of Commerce's seasonal Farmers' Market. The Farmers' Market will be held on the south end of the Main Street parking lot from 8:00 a.m. to 1:00 p.m. each Friday from May 28 through October 29, 2010. (*Administrative Analyst Schrader*)

- F. Motion to waive Chapter 3-23 (Peddlers), Section 8-1-11 (Street Obstructions), and Section 8-1-12 (Merchandise on Public Ways) of the Village Code and to approve the issuance of a temporary, Class E liquor license for the service of beer and wine in the Village's Main Street parking lot for the annual Chamber of Commerce Taste of Glen Ellyn event scheduled for Thursday, May 20, through Saturday, May 22, 2010. (*Administrative Analyst Schrader*)

- G. Motion to waive Section 6-3-2 (Dangerous Animals), Section 6-3-8 (Prohibited Animals), and Section 8-1-11 (Street Obstructions) of the Village Code in order to allow the Glenbard West Boosters Club to host the event, Cow Chip Bingo, on Sunday, May 23, 2010 between the hours of 12:00 p.m. and 3:00 p.m. at Glenbard West Memorial Field. (*Administrative Analyst Schrader*)

- H. Motion to waive Section 10-4-17.1.B.32 (Promotional Events) of the Glen Ellyn Zoning Code in order to allow entertainment in the form of live musicians at 476 N. Main Street, 530 Duane Street, and 560 Crescent Boulevard on Friday, April 30, 2010 between 6:00 p.m. and 10:00 p.m. for the Downtown Glen Ellyn Alliance's Couples Night Out event. (*Administrative Analyst Schrader*)
- I. Motion to waive competitive bidding and approve the purchase of two OMEGA vent security shrouds from ARC Corporation of Billings, Montana in the not-to-exceed amount of \$12,000 to be expensed to the FY 09 – 10 Water Fund. (*Public Works Director Caracci*)
- J. Motion to approve award of a contract with Steve Piper & Sons of Naperville, Illinois for the annual tree removal program for a three-year span of 2010-2013, to be expensed to the corresponding fiscal year General Fund at the following yearly costs: FY10-11, \$85,000; FY11-12, \$87,000; and FY12-13, \$89,000, for a total three-year cost of \$261,000. (*Public Works Director Caracci*)
- K. Motion to approve award of a contract with Steve Piper & Sons of Naperville, Illinois for the annual tree pruning program for a three-year span of 2010-2013, to be expensed to the corresponding fiscal year General Fund at the following yearly costs: FY10-11, \$34,500; FY11-12, \$64,500; and FY12-13, \$75,000, for a total three-year cost of \$174,000. (*Public Works Director Caracci*)
- L. Motion to approve award of a contract for 2010-2011 Forestry Consulting Services to Osage Consulting, of Oak Park, Illinois in the not-to-exceed amount of \$15,000, to be expensed to the FY 10-11 Public Works – Operations (General Fund). (*Public Works Director Caracci*)
- M. Motion to approve the second year of a three-year contract with Earthcare, Inc. of West Chicago, Illinois for the 2010 Landscape Maintenance contract in the not-to-exceed amount of \$71,000 (including a 10% contingency), to be expensed to the FY 10-11 General, Water, Special Programs, Parking, and Fire Company Funds. (*Public Works Director Caracci*)
- N. Motion to waive competitive bidding and approve award of a contract for the 2010-2011 Concrete Saw-Cutting Program to Elite Concrete of Sugar Grove, Illinois in the not-to-exceed amount of \$20,000, to be expensed to the FY 10-11 Water and Sanitary Sewer Fund. (*Public Works Director Caracci*)
- O. Motion to waive competitive bidding and approve award of a contract for the 2010-2011 Material Hauling / Gravel Delivery Contract to Marcott Enterprises, Inc., of Addison, Illinois in the not-to-exceed amount of \$42,500 (including a 10% contingency) to be expensed to the FY 10-11 Water and Sanitary Sewer Fund. (*Public Works Director Caracci*)
- P. Motion to waive competitive bidding and award a contract to Superior Road Striping of Melrose Park, Illinois (through the Suburban Purchasing Cooperative) in the not-to-exceed amount of \$45,000 for the contemplated pavement marking work for FY 10-11, Maintenance/Street Painting. (*Public Works Director Caracci*)

- Q. Motion to approve expenses involved in moving forward with the mediation process for the Park/Glen Ellyn Place/Prairie Improvement Project in the not-to-exceed amount of \$15,000 to be expensed to the FY 10-11 Capital Fund, Water and Sewer Funds, accordingly. (*Public Works Director Caracci*)
- R. Motion to amend certain sections of Chapters 2 and 3 of Title 9 of the Village Code of the Village of Glen Ellyn regarding parking violation fee structure and penalty. (*Police Chief Norton*)
- S. Motion to waive Chapter 3-23 (Peddlers), Section 8-1-11 (Street Obstructions), and Section 8-1-12 (Merchandise on Street) of the Village Code to allow the Glen Ellyn Jaycees to set up and operate their annual Village Fair in the Village's Crescent Boulevard parking lot located west of Main Street from Wednesday, May 19, 2010 through Sunday, May 23, 2010 in concert with the Glen Ellyn Chamber of Commerce's Taste of Glen Ellyn event. (*Administrative Analyst Schrader*)
- T. Motion to waive Section 10-4-17.1(B)32 (Promotional Events) of the Glen Ellyn Zoning Code and Section 3-19-29 (Location Restrictions) of the Glen Ellyn Village Code to allow Bells and Whistles Snackery to host the 2010 Madonnari Off Main event in the Central Business District on Saturday, June 5, 2010. (*Administrative Analyst Schrader*)
7. Ordinance No. 5857, an Ordinance Adopting the Annual Village of Glen Ellyn Expenditure Budget in the net amount of \$42.3 million for Fiscal Year 2010-11 beginning May 1, 2010 and Ending April 30, 2011. (*Trustee Henninger*) (Pages 124 – 126)

Finance Director Jon Batek will present information on the proposed Village budget for Fiscal Year 2010-11. The expenditure budget consists of a total of 14 individual funds, each having a specific purpose, totaling \$42.3 million in aggregate. In comparison to last year's Fiscal Year 2009-10 net budget of \$43.9 million, this represents a decrease of \$1.6 million or 3.6 percent. A public hearing on the proposed 2010/11 Village Budget was held on Monday, April 12, 2010. Final copies of the adopted budget will be available for public review at the Civic Center, Glen Ellyn Public Library, and soon to be online at www.glenellyn.org.

8. Ordinance No. 5858, an Ordinance Approving a Variation of the Zoning Code to Allow a Screen Porch Addition to the Residence at 734 Main Street. (*Trustee Ladesic*) (Pages 127 – 157)

Planning and Development Director Staci Hulseberg will present information on a request by John and Martha Schoenfeld for a variation from the Glen Ellyn Zoning Code to allow the construction of a one-story screen porch addition to the rear of the existing two-story house that exceeds the maximum permitted lot coverage ratio.

9. Police Chief Phil Norton will present information on an ordinance that establishes a code hearing department and a system of local adjudication for specified violations of Village Code, as well as an ordinance that establishes the acts that subject a motor vehicle to seizure and impoundment, the procedures for seizure and impoundment, and the release of motor vehicles. (*Trustee Ladesic*) (Pages 158 – 186)

- A. Ordinance No. 5859-VC, an Ordinance to Add to Title 1, “Administrative”, a New Chapter 12 of the Village Code regarding an Administrative Ordinance Hearing Department; and
 - B. Ordinance No. 5860-VC, an Ordinance to Add Title 9, “Traffic Code”, a New Chapter 6 of the Village Code regarding Vehicle Seizure and Impoundment.
10. Professional Engineer Bob Minix will present information on the first and final change order for the 2009 Street Improvements Project. The project involved roadway work on 11 different street segments in two distinct areas of the Village, with a total of nearly two miles of roadway rehabilitation undertaken in the project.

All aspects of the project have been completed and the Village has come to final agreement on quantities with the contractor. On April 27, 2009, the Village Board approved a construction contract with John Neri Construction Company in the amount of \$2,379,280 with appropriations from the Water, Sanitary Sewer, and Capital Project Funds totaling \$2,500,000 (including a 5-percent contingency). Change Order No. 1 requests an increase of \$478,054 to the contract, and will serve as a final change order that includes items associated with all outstanding force account (time and material) items, additional unit price items deemed necessary during construction, and balancing of contract items. The modified contract cost of \$2,857,334 is 20 percent over the original bid award amount of \$2,379,280.

On April 27, 2009, the Village Board approved an engineering services agreement with Civiltech Engineering in the amount of \$265,000 with appropriations from the Water, Sanitary Sewer, and Capital Project Funds totaling \$280,000 (including a 5-percent contingency). Amendment No. 1 requests an increase of \$51,147 to the agreement, and will permit contract closeout. The modified contract cost of \$316,147 is 19 percent over the original bid award amount of \$265,000. (*Trustee Thorsell*) (Pages 187 – 217)

- A. Motion to increase the appropriation for construction of the 2009 Street Improvements Project by John Neri Construction Company in the amount of \$357,334, for a revised total appropriation of \$2,857,334, to be expensed to the FY 09-10 Water, Sanitary and Capital Project Funds.
- B. Resolution No. 10-07, a Resolution Concerning the Determination of the Village Board that Change Order No. 1 (FINAL) with John Neri Construction Company, for an Increase in the Contract Price of \$478,054 is required for the 2009 Street Improvements Project, for a Revised Contract Cost of \$2,857,334.
- C. Motion to increase the appropriation for construction engineering services associated with the 2009 Street Improvements Project provided by Civiltech Engineering, Inc. by \$36,147, for a revised total appropriation of \$316,147, to be expensed to the FY 09-10 Capital Projects, Sanitary Sewer and Water Funds.
- E. Motion to approve Amendment No. 1 to the construction engineering services agreement with Civiltech Engineering, Inc. for additional construction engineering services for the 2009 Street Improvements Project, in the amount of \$51,147, for a final contract amount of \$316,147.

11. Reminders:
 - The next Regular Village Board Meeting is scheduled for Monday, May 10, 2010 with a Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
12. Other Business?
13. Motion to adjourn to Executive Session for purposes of discussing threatened or pending litigation and the review and approval of Executive Session minutes, adjourning thereafter without reconvening into open session. (*Trustee Comerford*)
14. Press Conference



A-5B

VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and this holiday, called Arbor Day, is now observed throughout the United States and the world; and

WHEREAS, the Village of Glen Ellyn has been recognized as a Tree City USA for 26 consecutive years and desires to continue its tree planting traditions; and

WHEREAS, it is generally recognized that the abundance of trees within Glen Ellyn contributes greatly to the visual beauty of our Village;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do hereby proclaim Friday, April 30, 2010, as Arbor Day in the Village of Glen Ellyn and urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

Village President

attest:

Village Clerk

Date



A-5c

VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, the Boy Scouts of America has been at the forefront of instilling timeless values in youth since its founding in 1910; and

WHEREAS, this national youth movement is committed to helping millions of youth succeed by providing the support, friendship, and mentoring necessary to live a happy and fulfilling life; and

WHEREAS, the Three Fires Council of the Boy Scouts of America and its 637 Cub Scout packs, Boy Scout troops, and Venturing crews are celebrating Scouting's 100th anniversary with the theme "Celebrating the Adventure, Continuing the Journey";

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, congratulates the Boy Scouts of America upon this momentous occasion and expresses the appreciation of our citizens to the Three Fires Council and the Boy Scouts of America for their interest in and dedication to America's youth.

Village President

attest:

Village Clerk

Date



A-5D

VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, the foundation of a humane and just society is the people's willingness to work together for the common good; and

WHEREAS, Keller Williams has designated May 13, 2010 as a community service day for Glen Ellyn, a RED Day for Renew, Energize, Donate; and

WHEREAS, Village residents are encouraged to volunteer time and resources by participating in needs, service projects, resources, time and talent to help build up our community and to meet each other through helping one another;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, and on behalf of the Village Board of Trustees, urge our residents to realize the merits of a RED Day and to celebrate by recognizing our tradition of volunteering as a unifying force for building a stronger community.

Village President

attest:

Village Clerk

Date

A-6A,

Minutes
Regular Village Board Workshop
Glen Ellyn Village Board of Trustees
January 18, 2010

Call to Order Village President Pfefferman called meeting to order at 7:07 p.m.

Roll Call Taken by Administrative Analyst Kristen Schrader: Village President Pfefferman, Trustees Comerford, Cooper, Hartweg, Henninger and Thorsell were present. Trustee Ladesic arrived at 7:17 p.m.

Staff in attendance: Village Manager - Steve Jones, Finance Director - Jon Batek, Building and Zoning Official - Joe Kvapil, Public Works Director - Joe Caracci, Planning and Development Director - Staci Hulesberg, Planner - Michele Stegall, Police Chief - Phil Norton, Suzanne Connors - Village Clerk and Administrative Analyst - Kristen Schrader

Public Comments None

Review Agenda for Monday, January 25, 2010
Regular Village Board Meeting

Items 1-5 and item 6A-6C are administrative items.

Consent Agenda:

Item 6D - Public Works Director - Joe Caracci requests permission to acquisition two parcels of land, at 800 and 715 St. Charles Road, so the Riford Road Reconstruction Project scheduled for the summer of 2010 can move forward. Parcel #1 is a 5500 sq. ft. piece of property of Ackerman Park. It's purchase is necessary to accommodate left turn lanes onto Riford Road from St. Charles Road. Parcel #2 is a 1350 sq. ft. piece of privately owned frontage road along Riford Road. This is needed to improve the current steep profile of Riford Road. The Village Board in an Executive Session on September, 14, 2009 gave direction to move forward on the purchase of these parcels.

Item 7 - Planning and Development Director - Staci Hulesberg discusses the renewal of annexation agreements for 32 properties in the general area of Marsten Avenue, Bemis Road and Birchbrook Court. All previous 20 year agreements have or will be expiring soon. In order to have Village water and sewer service, renewal annexation agreements must be received. A total of 29 properties have renewed their agreements. An additional three properties have not signed an agreement as yet and the Planning and Development Department is working with these owners to renew their annexation agreements. Notification of possible disconnection of services has been sent to those properties based on the Village's policy of having a valid annexation agreement. As long as these properties remain unincorporated they remain under DuPage County's zoning. Upon

annexation they will be classified as a residential zoning classification. The rezoning of these properties will become R1 or R2B. Trustee Thorsell asked if any of the three properties that have not submitted new annexation agreements could possibly be ready by next week. Director Hulesberg did not anticipate that happening by next week. Trustee Comerford asked for an explanation of R1 and R2B zoning classifications. An R1 is a lot that is around 14,000 sq. ft. and has a larger setback. An R2B is a smaller lot with a smaller setback, about 10,000 sq. ft. Trustees Hartweg and Cooper asked how does annexation work and Director Hulesberg explained. No Public Comments.

Item 8 – Planning Director Staci Hulesberg talked about the annexation of a 300 foot wide piece of Glenbard South High School property owned by Glen Ellyn School District 87. The Village has been working with District 87 since 2005 on an annexation agreement for this portion of their property. The property is located on the west side of Park Boulevard. There is only a message board sign located on the property, no building. The purpose of annexing a portion of the District 87 property is so that three businesses contiguously located at the NW corner of Butterfield Road and Park Boulevard can annex into the Village of Glen Ellyn for water and sewer services. Those properties which the Village currently has preannexation agreements with are: Church of God, Arden Court Alzheimer's Facilities, and Dr. O'Carroll's business. The Village and the School District reached an annexation agreement and the school district approved the agreement on December 14, 2009, not an actual annexation. The Village Board has the ability to give the School District 30 days notice to have them annex into the Village of Glen Ellyn at any time.

The annexation agreement has a number of terms:

- Agreement term is 20 years with the option to extend the agreement another 20 years.
- It calls for R1 zoning – the same zoning as the properties adjacent to the north.
- The rest of the Glenbard South High School property will not be subject to the agreement. The Village agrees to waive its subdivision authority and zoning control over the area in question, so the property can remain under the jurisdiction of one entity, for consistent zoning control and use control. As long as the property remains school property in the future.
- Also, because the sign is located within that area the Village has agreed to relinquish its sign authority over to DuPage County. The entire property will remain under the DuPage County building codes and zoning codes as long as it remains a high school.
- Glenbard South will continue to receive their water and sewer from the Village but will continue to pay nonresident rates because they are still considered outside the village limits.

- The Village has agreed to not involuntarily annex the remaining portion of the school property during the term of the agreement. However, it doesn't stop District 87 from coming to the Village to request annexation.
- The Village agrees to pay the school \$20,000 for the annexation and compensation for a number of things. Two \$10,000 payments will be made. First payment will be made within 30 days of approval of the annexation agreement and the second payment will be paid after the actual annexation of the property.

This will require a public hearing which will take place next.

Trustee Comerford asked if an annexation required a two step process. An annexation agreement followed by an annexation or how does this work. Director Hulseberg explained the process.

No public questions or comments.

Item 9 – Director Staci Hulseberg presented information on Contractor Registration. Currently The Village does not required contractors to register. Electrical contractors must submit a valid license and a \$5000 bond and roofing and plumbing contractors have to submit a valid copy of their state license. Planning and Development surveyed other municipalities to find out what they required and eleven out of 14 communities responded that they have some sort of contractor registration. Based on this research Planning and Development prepared some draft contractor registration guidelines that was presented to the Board in November and also proposed at the builders forum meeting held in December and the current requirements are now in the review of the Village attorney. Comments from the builder's forum and Village Board are incorporated in the proposed documents. One comment was to investigate online registration and online payment. Finance Director Batek reviewed this request and submitted a several page memo and he does not recommend implementation of an online system due to the cost and infrequent use. Hulseberg cited the payment of this registration can be done easily when building permits are requested and the department has become more customer friendly with the acceptance of credit cards and checks at their counter. Hulseberg did mention this at the builder's forum meeting and there was not a strong desire from the contractors to pursue an online system. However some suggestions at the builders forum were followed up and those were; multi year registration, reinstatement fees, and clarifying the list of contractors. Hulseberg continued that all these have been addressed with a two-year fee, clarified the reinstatement fees, and some exemptions for contractors listed on a building permit under a general contractor. Some requirements are a \$100 fee for general contractors and \$50 for an independent contractor. Registration will be required for any contractor doing work that requires a building permit. Hulseberg continued that homeowners that do their own work are exempt and a public utility contractor doing work in the village right-of-way is

exempt along with sub-contractors that are not required to have a license but are working for a general contractor who is licensed. Along with registration a \$20,000 surety bond and a certificate of insurance is required. Hulseberg feels this will be good because we will have additional information on the contractors that are working in the community and will allow the Village to revoke registration for those who have been convicted of a violation of the code. Hulseberg wanted to remind what registration doesn't do. It will not judge the quality of the work also it will not allow the Village to pass judgments on the contractor's qualifications and it won't allow the Village to become involved in disputes between contractors and homeowners. Trustee Thorsell questioned the amount of the penalty and Hulseberg said it was \$750. Trustee Hartweg asked about citations. Hulseberg explained if a citation is issued to a builder and we take them to court that is grounds for a suspension and if they are found guilty in court we can revoke the registration. Hulseberg added that suspension can be reinstated but revocation cannot. Hulseberg added that registration gives us more enforcement ability than we had before. Trustee Ladesic asked about terms and Hulseberg replied that the Village attorney will need to be comfortable with the terms that were proposed.

Public Comments - None

Item 10 – New Collective Bargaining Agreement by Police Chief Phil Norton. The Fraternal Order of Police ratified their eighth contract with the Village since 1989. Both sides compromised and came to an equitable agreement.

No public questions or comments.

Item 11 – President Pfefferman started the Adoption of Village Goals discussion, stating leading organizations have goals. The Village is a leading organization and has had goals for many years, they just haven't been publicized, tracked, prioritized and reevaluated in any regular way. But the Village Board and management team are now trying to do so. The current goals came from a Village planning retreat, including former Village Board members, current Village Board members and our Village management team.

Steve Jones, Village Manager commented that the Village actually has 74 goals but that he was going to talk about only 20 of them tonight. These goals are broken into four categories and will be asking the board to approve a resolution to address the top 20 list of goals:

1. Long Term Routine Goals
 - 1) Seek public commitment and sharing of the strategic plan.
(Once approved it will be available to anyone.)

- 2) Target areas in the Village for redevelopment. (An economic development goal.)
 - 3) Do a better job demonstrating our transparency to citizens in the community.
 - 4) Develop a long term finance plan for operations and for capital in one document.
 - 5) Ethics as a long term goal.
2. Long Term Complex Goals
- 1) Execute the approved adopted downtown plan. (the next 10-20 years)
 - 2) Develop a marketing plan to go along with our vision of an aggressive economic development program.
 - 3) Resolve our longterm funding challenges.
 - 4) Assure the long term viability of our Glen Ellyn Fire Company.
 - 5) Improve the Village gateways in conjunction other plans and construction.
3. Short Term Routine Goals to be accomplished in approximately the next 12 months.
- 1) Resolve - make a final decision on an organizational structure for accountability in results of economic development.
 - 2) Come to a common understanding of what our core services are that we have to fund.
 - 3) Finish our emergency preparedness plan and conduct a bi-annual simulation
 - 4) Restore trust, ethics and credibility to the Village government and increase involvement in task forces.
 - 5) Monitor spending closely this year. (This is the Year of the Budget)
4. Short Term Complex Goals
- 1) Complete the phase I study for the downtown plan. (Done)
 - 2) Start looking for funding issues for local pensions. Get involved at the legislative level.
 - 3) Establish a policy for growth and redevelopment. (How do we attract developers in a strategic way?)
 - 4) Work to support or pass our County Special Service Area (SSA) for fire and EMS (achieved)
 - 5) Undertake a thorough study of the various units of local government that serve the Village to seek efficiencies and rationalize the current government service delivery models.

President Pfefferman said this was an important first step. Trustee Ladesic commented on the need for a note to allow the policy to be a fluid one that allows for flexibility over time. Jones said language can be added noting that priorities do change. Trustee Cooper added that the affect of this resolution is to put into effect our policy goals but not to the exclusion of

anything else. Trustee Thorsell asked who will decide which goes next? Pfefferman announced that all advice is welcome and encourages input from the Board. Cooper would like to obtain public input as well when looking at the issues and setting priorities. President Pfefferman asked Administrative Analyst Schrader about any response received when the goals were on the website in the fall of 2009. Schrader did not see any through the general Village email.

Public Comments – None

4) Economic Development Discussion President Pfefferman asked that specific questions be asked. What is important to the economic development perspective? Steve Jones began by pointing out questions from a strategic plan from 2007 that highlighted two goals to accomplish: The Downtown Strategic Plan and passing the Special Service Area (SSA). With both achieved it is now time to focus on good discussion focusing on these four questions.

1. How committed are we to the Economic Development program?
2. What is the scope of desired Economic Development programs?
3. Who is to be responsible?
4. How to Fund?

When commenting on number 1 President Pfefferman said Yes but asked Jones what are you looking for? Jones explained the level of commitment and the budget, time and effort. Pfefferman says the commitment tends to be strong with the recent passing of the SSA's and the long history with the Economic Development Corporation (EDC). Trustee Comerford added besides the recent SSA's last budget there was an additional contribution to the EDC and feels this Board is strongly committed.

President Pfefferman asked in regards to the scope, what do you envision? Hartweg mentioned that the EDC turned from retention on businesses to marketing and perhaps we want to look at the Chamber doing the marketing. Hartweg has heard from many people offering up different ideas but the one foundation is there has to be a change at the EDC. Trustee Comerford reminded that the economic development is broader than just the central business district (CBD) and recalled that the CBD is only 15 - 20% of revenue in the Village. Comerford's questioned if the Downtown Advisory Committee (DAC) is looking beyond the CBD? Jones answered no and offered an explanation of what the DAC and other groups do. Jones said the EDC looks at the whole community and other organizations like Go Downtown and the Alliance are specific to the CBD. Currently the DAC is looking at other successful downtowns and will make recommendations to the Board and perhaps suggest one single downtown organization. Jones continued that economic development is important outside of downtown and there could be a case for two organizations that look at economic development with different needs by the two different groups, Roosevelt Road and CBD. Thorsell commented that both organizations would need to look at economic development and be connected to the Village. Jones said that is an objective and there are many different scenarios including organizations as independent bodies or

having them in-house. Jones added that structure is the key and having the same goals so the focus is moving together. Thorsell added that the disconnect is businesses not knowing what organization to work with and that we need to streamline this. Jones agreed that competing organizations are not as effective. Comerford added why not include residential renovation, remodels and improvements in real estate under economic development. Pfefferman reiterated that we have mentioned a streamlined process and recruitment but what other types of activity should we look at? Trustee Ladesic said a pro-active organization one that would look at development sights and come to the Village rather than wait for an interested developer. Pfefferman asked when working with the different organizations we need to focus on goals and break down the barriers of confidentiality. Trustee Henninger asked how we get the biggest return on investment. We should be focusing on the properties with the most potential for sales tax revenue. Trustee Cooper expressed two concerns. First to ensure we know what the goals are that we want this type of organization to achieve and second by looking at consolidation of different entities isn't that duplicating what we asked the transitional DAC to do. Henninger added that we may need to define what successful economic development means in one year, two years and down the road. Henninger added that we also need to define what a successful economic development looks like now and years down the road. How will we measure that. Pfefferman disagrees on the DAC focus and thinks in the future its focus will be much more narrow. Pfefferman asked what successful economic development looks like. Thorsell added more press for shopping. Other ideas added were increased sales tax revenue, vitality, and less vacancies in the Roosevelt Road, Five Corners and CBD. Comerford suggested that we develop an acceptable vacancy rate for each area. Finding the right mix of retail and services was suggested and helping our successful businesses expand. Ladesic mentioned the water bill survey and the suggestions and how to use that information to target potential retailers. Pfefferman added that he would like to see the development of a "tool kit" for business retention and recruitment. Such as the façade grants, possible tax rebates to define what businesses can expect. Ladesic added that other communities are offering business assistance as part of their approach by reviewing business models, and business plans and looking for any gaps they may have. Cooper added there was not a sense that residents have a desire to increase taxes to support economic development. Pfefferman asked what other items in terms of scope. Marketing was discussed as the direct needs will change over time. Jones suggested that two types of marketing right now is community marketing which brands Glen Ellyn as a place to work, live and shop and business marketing that works directly with business for things like promotions. Hartweg noticed that we don't market enough with the College of DuPage (COD). He said we need to discuss the small business development tools they have, the interns we could use and obtain new ideas. Cooper added that COD represents a broad group of consumers that we don't do a good job of reaching. Cooper suggested a promotion where students use their ID to receive a discount. Pfefferman said we have

heard this several times but should the Village act like a landlord and put investment dollars to this type of service. Things like promotions, boutique services and snow removal. Is this an economic development priority for some entity to be responsible for. Comerford believes that we do have the responsibility to the residents to provide or facilitate this type of service but we have a choice to who executes the Village or EDC. Cooper added that we must agree that these boutique services are an objective. Ladesic added marketing what not-for-profits are doing each weekend in Glen Ellyn and optimize either radio or print to get the word out to whomever is gathering this type of information. Ladesic also mentioned the need for website optimization for the EDC which enables search engines to pick up links of interest for their publishing needs. Ladesic did not think it would cost a lot of money but is something that is critical in this day and age. Pfefferman reiterated the points made which indicated clear definition of roles. Pfefferman asked the audience for their reactions. Pat Malady, 285 Milton Street, past member of the EDC board, spoke of his disappointment in the discussion and failing to recognize the history of the EDC which began as a Chamber initiative. They created the SSA's to give them ownership of the project and at the time it was welcomed to not be under the supervision of the Village. Malady said economic development is hard to measure and it is just not the fault of the EDC for vacancies. Others play a part like realtors and landlords. Malady continued that the transitional DAC has visited two communities trying to see a variety of downtowns one is Batavia and the other is Wheaton. Both are different from our Village and receive different funding than we do. When the EDC was formed budgeting was always a concern. Malady believes the structure of the EDC is good and he has confidence with the people involved with economic development. When a potential developer comes through what we need a ombudsman. The EDC also had much to do with the development of the Baker Hill development. Malady feels that being independent from the Village allowed the EDC to speak freely when talking about how the Baker Hill project would positively affect the Village. A written contract was in place when the EDC began and Malady thought that could be helpful. Malady also mentioned that the EDC role has changed now that many undeveloped parcels have been developed. Malady also noted that if you have the role of the EDC within the Village then the continuation of the SSA is not legitimate. Malady urged to keep the EDC separate and have a contract. Sue Cleary, Paisley on Main owner, 494 N. Main Street, had conversation with Janie Patch about relocated on Main Street and selling the business. Patch was helpful in both endeavors. Through a series of events she moved her business to the current location on Main Street and changed the business completely and is very happy with Glen Ellyn and the retainment services the EDC has provided. Cleary values the one on one that Patch provides and encouraged the Board to stop in all the CBD shops to know what they have to offer. Cleary complimented Patch on knowing what is going on in her store and visiting often. Cleary stated that she did not think the Village needed to take on the role of the EDC. Her concerns were too much red tape and not providing personalized service. Cleary appreciated the marketing programs the EDC

has done especially the social media seminars. Façade grants, open banners and the shopping guide were also pointed out by Cleary as simple but effective things the EDC has done. Cleary stated the EDC has worked for her. Brad Webb, 2S645 Arboretum Road, a former business owner and former EDC member and president. Webb thinks there is an over emphasis on the CBD business compared to other business districts in the Village. Webb understood the CBD is the brand image to the Village and reminded that compared sales tax revenues other areas carry more weight. Webb reminded not to ignore the businesses on Roosevelt Road. Webb emphasized the need to be proactive and beat the competition to these properties that are available but acknowledged these properties come with unique difficulties. Webb also stated the need for creativity with ideas along with collaboration. Choose DuPage is one that came to mind for Webb. Webb mentioned the number of bonds out there that he was unaware of until Patch brought them to his attention. Webb also added that the only conversations he has had have been with Patch, never a Trustee or Planning and Development. Webb likes the independence and accountability of maintaining a separate EDC. Janet Avila, String Theory Yarn Co., 477 N. Main Street, and President of the Downtown Alliance. Avila wanted to discuss some of the overlap with the Alliance and has a great working relationship with Patch and the EDC. She sees no competition between the two organizations. Jim Meyers, 531 Stafford Lane, President of the EDC board. Meyers wanted to add some areas that need more thought. One is the vacancies. The EDC held interviews with stores leaving the Village to determine if there is a common theme for leaving. They really wasn't a common theme but it created a bubble of vacancies right before the economy changed. Meyers continued on the members of the EDC and how they meet and reminded that notes of these meetings are available on the website. Meyers also commented on the availability to talk with any of the board members. The EDC is willing to listen to review strategy. Meyers touched on sales tax revenue and how that is important as a goal but in a year where we lost a major source of revenue we were able to bring home good numbers with the remaining businesses we did have. Meyers believes that confidentiality should be respected and understood on a case by case basis since each developer has different needs. Meyers also warned about recruitment and shutting the door on potential businesses and explained that all areas of our Village should be explored when recruiting. Tax rebates can be used and should be used more and encourages us to look at tax rebates. Meyers commented that grants and facades and these programs are in place although some have not existed for very long. Meyers touched on retail mix and the water survey and how the EDC reacted after listening to the survey with core business hours, open banners and more. Meyers requested that the Board ask questions at anytime. Henninger asked if there were any set goals. Meyers replied no. Henninger asked how we will know that the EDC is successful. What are the important items that gauge your success. Meyers stated that you make that question directly to the EDC board. Marketing is difficult to measure but some things you can measure like the recent coupons in the Chicago Tribune. Ladesic asked if Meyers felt sales tax

revenues and vacancy rates cannot be used as measuring tools. Meyers thinks they can be used but not as an absolute and that we should drill down to determine the different reason for things like vacancies. Pfefferman asked what other measures for economic development are. Meyers explained one area is marketing and utilizing the cooperative effort. Meyers personally has seen emails stating how this has helped individual businesses. Meyers suggested also asking the EDC Board that same question and have them suggest ways to evaluate. Cooper spoke about Manager Jones' memo speaking about the scope of the economic development program. Business recruitment, business retention, community marketing, business incentives were mentioned and Cooper asked in Meyers opinion what should be the higher priorities and how we should be measuring things. Cooper clarified to ask what should the goals of the economic development program be. Meyers said a great opportunity for the DAC to get legs and move forward also he added the need for funding. Continue to move forward and be involved especially with tax rebates and other items that may come up. Neil Dishman, 395 Prospect, and served on the EDC for the last 2 1/2 years. Dishman complemented the good volunteers and that it has an independent board. The structure matters. Dishman believes if the EDC was folded into the Village the persons working on it would most likely be working on many other projects as well. What is unquely good about the EDC right now is Janie does not have multiple hats to wear and answers to her own board, eight independent volunteers who specially give their time to help with one goal, economic development. Dishman added it is not just the people who matter, it is the structure. Dishman continued about the strength of the new grant program. Research was completed at other towns and the resources to getting new businesses to town. These communities had as much as the EDC's entire budget earmarked just to recruit new businesses. Dishman feels to put the EDC back into Village government would be a step in the wrong direction. Trustee Henninger left at 9:39p.m. Sandy Moore, 578 Hill Avenue, owner of AliKat, on the EDC board, Chamber member, and Alliance member, appreciates the process and it is important to hear what the Village wants from the EDC. Moore thinks our community does not know what good the EDC does. Moore explained as a store owner she now knows what great things the EDC does, but before that while being a resident she had no idea of their role. Moore was blown away by the amount of money other communities had to use for development and events. Also that two people worked for their EDC. Moore suggests we ask these towns how they measure the success of their EDC. Doug Armatrout, 565 Hill Avenue, EDC board member, said that retaining and recruitment is something that should be done. Iryl Torterella, spoke of doing her part when she was a business owner. Pfefferman thought this was a very good start to this discussion.

5) Other items

No

6) Motion made to adjourn the meeting by Trustee Comerford, and seconded by Trustee Thorsell at 9:49 p.m.

Submitted by,

Debbie Clewlow

Debbie Clewlow

Special Village Board Meeting
Monday, January 18, 2010
7:00 p.m. – Galligan Board Room
Glen Ellyn Civic Center

A-6A₂

Call to Order

President Pfefferman called the meeting to order 7:03 p.m.

Roll Call

Taken by Administrative Analyst Kristen Schrader - Village President Pfefferman, Trustees Comerford, Cooper, Hartweg, Henninger, and Thorsell were present. Trustee Ladesic was not in attendance.

Staff in attendance: Village Manager -Steve Jones, Finance Director- Jon Batek, Building and Zoning Official- Joe Kvapil, Public Works Director – Joe Caracci, Planning and Development Director –Staci Hulesberg, Planner – Michele Stegall, Police Chief – Phil Norton and Administrative Analyst –Kristen Schrader

Public Comments

None

Appointment of Village Clerk

Appointment of Village Clerk: President Pfefferman expressed his appreciation to Suzanne Connors for graciously accepting the position of Village Clerk and her loyalty as a long time village employee. President Pfefferman explained that this is a part-time position and will expire at the next election cycle.

Trustee Henninger moved to appoint Suzanne Connors as Village Clerk and Trustee Comerford seconded the motion. A vote was taken and Suzanne Connors was approved as Village Clerk. President Pfefferman announced she will be sworn in at the next Village Board Meeting on Monday, January 25, 2010.

Reappointment of Economic Development Representative

Reappointment of Neil Dishman to the Economic Development Corporation (EDC): Mr. Dishman had previously represented the Glen Ellyn Chamber of Commerce on the EDC board and will now be representing the Village of Glen Ellyn.

Trustee Cooper moved to approve Neil Dishman's appointment to the EDC board and Trustee Thorsell seconded the motion. A vote was taken and Neil Dishman was approved as an EDC board representative for the Village of Glen Ellyn.

Adjournment to the Regular Village Board Workshop

Trustee Hartweg moved to close the Special Village Board Meeting and move on to the Village Board Workshop. Trustee Comerford seconded the motion. Meeting was adjourned.

Submitted by,



Debbie Clewlow

A-6A3

Minutes
Regular Village Board Workshop
Glen Ellyn Village Board of Trustees
April 12, 2010

Time of Meeting: 6:31 P.M.

Present: President Pfefferman; Trustees Comerford, Cooper, Ladesic, Thorsell, Henninger; Village Clerk Connors; Attorney Diamond.
Staff present: Village Manager Jones, Schrader, Batek, Minix, Hulseberg, and Holmer. Kvapil at 7:45 p.m.

1. Call to Order

President Pfefferman called the Board Workshop to order at 6:31 P.M. with a roll call. Trustees Comerford, Cooper, Ladesic, Thorsell, Hartweg, and Henninger responded "Here."

2. Public Comments?

None.

3. FY 10/11 Budget Discussion

- a) **Hill Avenue Capital Project:** Village Manager Steve Jones explained the situation regarding the Hill Avenue bridge between Glen Ellyn and Lombard. The bridge crosses the DuPage River and is west of Rt. 355 in Lombard. It is in need of repair. Any participation in the cost of the repair was not budgeted for this fiscal year and any impact for this coming fiscal year would be about \$12,000. It is accounted for in the Capital Projects Fund in the line item for a Legislative Liaison. Village Manager Jones explained that the Village of Lombard asked Glen Ellyn if it would be interested in half ownership and participation in rehabilitation of the bridge. Traffic to and from the industrial area and school buses use the bridge. The school districts have incurred additional transportation costs since weight limits have been imposed on bridge usage. Trucks have had to use Glen Ellyn streets to access the industrial area to avoid using the bridge due to the weight limit. The Village contacted potential frequent users to ask whether they would want to participate in the reconstruction of the bridge. Response so far has been that District 41 is not interested since they use the route infrequently; District 87 has not responded as yet; Glen Oak County Club will not participate since it does not impact them; and there is on-going discussion with the businesses along Hill. In response to questions, Bob Minix stated that the bridge may be beyond its useful life and might have to be rebuilt. Chief Norton explained how various traffic studies are conducted. The Village Board discussed the understanding that the bridge was not in the Village and the Village of Glen Ellyn did not have an obligation to participate. It was agreed that preliminary funds could be added to the coming fiscal year's budget, but specific action could be deferred.

- b) **Contingency Plan:** The Village Board was reminded that the State of Illinois was considering reduction of that portion of the income tax to municipalities from 10% to 7%. This could happen as early as November 2010, but the Village does not know when it would actually happen. The 3% reduction could cost the Village of Glen Ellyn \$630,000. The Village Board will agree: 1) Money will not be spent until the money is available and 2) prioritize as the money becomes available; that is items will be shown in the budget, but that money will not be spent until the money becomes available. This is a plan that allows for flexibility as the fiscal year progresses.
- c) **Glen Ellyn Historical Society Payment:** Jon Batek gave a background regarding the agreement between the Historical Society and the Village. The agreement detailing the annual payment and the 5% interest rate was signed between the parties in 2002. \$57,410 is due as agreed in the original agreement. Of that amount, \$45,868 is in interest. This year's payment from the Historical Society was due in 2009. Staff recommends the 2009 payment should be made under the current agreement until a new agreement is in place. Jan Langford, Executive Director of the Historical Society, responded by asking that the interest rate be tied to the Illinois Funds rate and be reduced to \$21,282. The Finance Commission has been meeting regarding the Historical Society and it is the Historical Society's understanding that they will make a recommendation to the Village Board for FY 10/11. The proposal the Historical Society is making tonight is for the FY 09/11 payment distribution. Attorney Diamond reminded all parties that legally the money should be paid in full immediately and that any adjustment to the 5% interest rate is an amendment to the current agreement. A change in the interest rate would be a modification of the agreement. The Finance Commission is going to present a recommendation to the Village Board regarding the Village's agreement with the Historical Society, hopefully soon. The Village Board discussed the presentations and agreed to collect the FY2009/10 payment and discuss modification of interest after the Finance Commission recommendation is received.
- d) **Special Programs Fund:** President Pfefferman explained that balancing the budget was a priority. Saying that, he read various organization's funding requests from the Village for the coming fiscal year and the amounts that were actually going to be allocated. Most organization's requests were reduced due to the Village's budget constraints and the necessity to balance the budget. The Village Board was in agreement with the amounts as allocated.

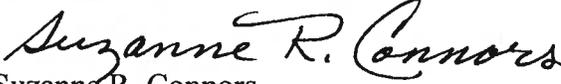
4. Other Items?

None

5. Adjournment

At 7:58 p.m. the meeting was adjourned to the Regular Village Board Meeting in the Galligan Board Room.

Submitted by:


Suzanne R. Connors,
Village Clerk

A-6A₄

**Minutes
Regular Meeting
Glen Ellyn Village Board of Trustees
April 12, 2010**

Call to Order

Village President Pfefferman called the meeting to order at 8:03 p.m.

Roll Call

Upon roll call by Village Clerk Connors, Village President Pfefferman and Trustees Comerford, Cooper, Henninger, Hartweg, Ladesic and Thorsell answered, "Present."

Pledge of Allegiance

The Pledge of Allegiance was led by Dawn Hanson of Church World Service who spoke about the May 2, 2010 CROP WALK.

Village Recognition

- a. Note of appreciation from the Chicago Superintendent of Police acknowledging Police Officer Eddie Tovar for representing the Glen Ellyn Police Department at the funeral of fallen Sergeant Alan Haymaker.
- b. March 11 letter from Park View Elementary School thanking the Police Department for their donation to the SMART Way to Move Ahead silent auction.
- c. March 11 letter from Glenbard West thanking the Police Department for their donation to the Glenbard West Instrumental Music Education Foundation silent auction.
- d. March 22 letter from the Officers and Board of Citizens for Glen Ellyn Preservation urging the Village Board to seek a compromise allowing the Stacy's Corners property to stay intact.
- e. March 26 email from the Lombard Village Manager thanking the Glen Ellyn Police Department for the assistance they extended the Lombard Police Department following a forced entry at an area department store.
- f. March 29 email from Glen Ellyn Historical Society Executive Director Jan Langford thanking Public Works staff for repairs to Stacy's Museum parking lot and driveway.

- g. Note sent to Police Chief Norton from Glenbard West teacher Kim Sammarco and the Anatomy class at the high school thanking the Chief for his assistance.
- h. The Village Board and Management Team congratulated the following employees who recently celebrated an anniversary as a Village employee:

Ronald Pocius	Police Department	Five Years
Thomas Moran	Glenbard Wastewater Authority	Ten Years

Audience Participation

Mike Formento, 65 N. Exmoor, Glen Ellyn, and DuPage County Forest Preserve Commissioner spoke regarding the Forest Preserve’s available information about coyotes. He presented the Village with a 6 ½ minute video, “Being Coyote Wise: Living with Urban Coyotes,” that the Village could use to show on their website and community cable television station.

He also wanted to make the Village Board aware of a public meeting regard the Navistar plant on Saturday, April 17, 2010, at 9 a.m. at the Village of Lisle.

Consent Agenda

Village Manager Jones presented the Consent Agenda; Village President Pfefferman called for questions and/or discussion on the items on the Consent Agenda.

Trustee Cooper moved and Trustee Henninger seconded the motion that the following items included on the Consent Agenda be approved:

- a. **Minutes** of the following Village Board Meetings:

Special Workshop
 October 5, 2009
 March 15, 2010

Workshop Meeting
 June 19, 2006
 August 17, 2009
 October 19, 2009
 November 16, 2009
 December 7, 2009
 January 11, 2010
 March 22, 2010

Regular Meeting
 January 11, 2010
 March 22, 2010

- b. **Total Expenditures** (Payroll and Vouchers) - \$1,120,030.89.
The vouchers were reviewed by Trustee Cooper prior to the meeting.
- c. Waive Section 4-5-9 (Special Event Signs), Section 8-1-11 (Street Obstructions) and Section 8-1-12 (Merchandise on Street) of the Village Code for the **2010 Recycling Extravaganza** event, sponsored by the Glen Ellyn Environmental Commission, scheduled from 8 a.m. to 12 p.m. on Saturday, April 24, 2010.
- d. Waive Sections 8-1-11 (Street Obstructions) and 8-1-12 (Merchandise on Streets) of the Village Code, and applicable outdoor sale sections of the Zoning Code, in order to allow the Downtown Glen Ellyn Alliance to host the 2010 **Bookfest-Lemonade Stands** event at various locations in the Central Business District on Saturday, June 19, 2010 between 10 a.m. and 1 p.m.
- e. License agreement to allow tables and chairs in the public right-of-way for **Starbucks Coffee Company** at 536 Crescent Boulevard.
- f. Waive competitive bidding and award a contract to Water Services Company of Elgin, Illinois for **Leak Detection Services** in a not-to-exceed amount of \$15,000, which includes a 7-percent contingency, to be expensed to the FY 09-10 Water Budget. Bob Minix explained that the leak survey is done sonically at about 2,500 different points in the water system to identify to correct 1%-2% water main leaks. Most water main leaks are done in house. A report is made on a tally sheet and sent to staff; that report can also be forwarded to the Village Board.

At this point, the Board paused to compliment the Public Works Department on how well snow removal was conducted in 2009/10. Mr. Minix was ask to convey the Board's thanks for a job well done.

- g. Award of a competitively bid contract for the 2010-2011 **Concrete Spot Repair Program** to Big Time Construction, Inc., of Addison, Illinois in the not-to-exceed amount of \$75,000 (including a 15-percent contingency), to be expensed to the FY 10-11 Water and Sanitary Sewer Fund.
- h. Waive competitive bidding and approve the purchase of two **snow plows** from Bonnell Industries Inc., of Dixon, Illinois in the not-to-exceed amount of \$22,859, to be expensed to the FY 09-10 Equipment Services Fund.
- i. **Resolution No. 10-06**, a Resolution Opposing any Reduction in the Allocation Formula for the Municipal Share of the Illinois Income Tax.
- j. Adopt an official notice regarding the **Americans with Disabilities Act** of 1990 and a grievance procedure to address complaints alleging violations of the Americans with Disabilities Act of 1990.

Upon roll call on the Consent Agenda, Trustees Cooper, Henninger, Comerford, Hartweg, Ladesic and Thorsell voted "Aye". Motion carried.

President Pfefferman and the Village Board asked the Village Clerk to extend their compliments to those on the Village staff for the excellent job they did transcribing 2009 minutes.

Public Hearing – Proposed Annual Budget for the Village of Glen Ellyn

Trustee Ladesic moved and Trustee Comerford seconded the motion that the public hearing to receive comment on a proposed annual budget for the Village of Glen Ellyn in the net amount of \$42.4 million for fiscal year 2010-11 beginning May 1, 2010 be opened. All Trustees present voted "Aye." Motion carried.

Finance Director Jon Batek presented information on the proposed Village budget for Fiscal Year 2010-11. This is the 3rd year the budget has decreased. The expenditure budget consists of a total of 14 individual funds, each having a specific purpose, totaling \$42.4 million in aggregate. In comparison to last year's Fiscal Year 2009-10 net budget of \$43.9 million, this represents a decrease of \$1.5 million or 3.4 percent. Examples of major expenses of each of four categories of the budget were explained. Village water cost will increase from \$1.70 to \$2.08 for 1,000 gallons as of May 1, 2010. Personnel costs will increase due to insurance cost increase. Final adoption of the Fiscal Year 2010-11 budget which begins on May 1 is scheduled for Monday, April 26, 2010.

President Pfefferman mentioned that, much to his surprise, many vendors agreed to lower prices charged to the Village. Their spirit of cooperation was generously received and will be remembered.

Janie Patch, Executive Director of the Economic Development Corporation, thanked the Village Board for their cooperation during the past year. Much progress has been made and plans are moving forward for the up-coming months for the downtown.

Brian Duffy, Glen Ellyn businessman, spoke regarding the importance of the façade improvement and exterior grants available through the EDC and how important they are to Glen Ellyn businesses. He was surprised at the good cooperation between the Village and the businesses.

Trustee Ladesic moved and Trustee Comerford seconded the motion that the public hearing be closed. All Trustees present voted "Aye." Motion carried.

Ordinance No. 5855 – 342 Taylor Avenue – Zoning Code Variations

Building and Zoning Official Joe Kvapil presented information on a request by Joshua and Amy Storm for six variations from the Glen Ellyn Zoning Code to allow the construction of a second-floor addition over the existing first floor and an attached two-story addition that do not meet the front, side and corner side yard setback requirements nor the maximum project class requirement.

Trustee Ladesic moved and Trustee Cooper seconded the motion that Ordinance No. 5855 be passed, an Ordinance Approving Six Variations from the Setback and Project Class Requirements of the Zoning Code to Allow an Addition to the Residence at 342 Taylor Avenue.

Upon roll call, Trustees Ladesic, Cooper, Comerford, Hartweg, Henninger and Thorsell voted "Aye." Motion carried.

Ordinance No. 5856 – 573 Summerdale Avenue – Zoning Code Variations

Planning and Development Director Staci Hulseberg presented information on a request by James and Sandra Minogue for three variations from the Glen Ellyn Zoning Code to allow the reconstruction of the existing attached garage that encroaches 10 feet into the required front yard setback in lieu of the minimum permitted encroachment of 5 feet, to allow the reconstruction of the existing attached garage in the side yard setback with a foundation that does not comply with the code and to allow the construction of a sunroom addition with a side yard setback of 7.5 feet in lieu of the minimum required side yard setback of 8.5 feet.

Trustee Ladesic moved and Trustee Henninger seconded the motion that Ordinance No. 5856 be passed, an Ordinance Approving Three Variations from the Setback Requirements of the Zoning Code to Allow an Attached Garage Reconstruction and an Addition to the Existing Residence for Property at 573 Summerdale Avenue.

Upon roll call, Trustees Ladesic, Henninger, Comerford, Cooper, Hartweg and Thorsell voted "Aye." Motion carried.

Vehicle Purchase – Public Works

Professional Engineer Bob Minix presented information on the purchase of six replacement vehicles proposed in the FY10-11 Equipment Services Budget at an approximate cost of \$135,260. The Village is able to participate in joint purchasing opportunities through the State of Illinois Joint Purchasing Agreement and the Suburban Purchasing Cooperative which offers a window of opportunity to order vehicles at reduced pricing based on State low bids, with accelerated delivery times if ordered now in advance of the May 1 fiscal year. All six vehicles are available through the State or SPC bid. The six replaced vehicles would be disposed of in a manner that would yield the best cost.

Trustee Thorsell moved and Trustee Henninger seconded the motion that the following actions be approved:

- a. Purchase one 2010 Ford Expedition Sergeants command squad and two 2010 Ford Crown Victoria police patrol vehicles through the State of Illinois Joint Purchasing Program from Landmark Ford of Springfield, Illinois, at a cost of \$71,942, to be expensed to the FY10-11 Equipment Services Fund.

- b. Purchase one 2010 Dodge Grand Caravan Police Detective vehicle through the State of Illinois Joint Purchasing Program from Wright Automotive of Hillsboro, Illinois, at a cost of \$19,762, to be expensed to the FY10-11 Equipment Services Fund.
- c. Purchase one 2010 Ford Explorer Police Chief vehicle and one 2010 Ford Transit Connect Facilities Maintenance vehicle through the Suburban Purchasing Cooperative Program from Currie Motors of Frankfort, Illinois, at a cost of \$43,557, to be expensed to the FY10-11 Equipment Services Fund.

It was explained that these purchases were being approved from the FY2009/10 budget to meet a cut-off date that allowed for lower prices at this time.

Upon roll call, Trustees Thorsell, Henninger, Comerford, Cooper, Hartweg and Ladesic voted "Aye." Motion carried.

Glenwood-Crescent Parking Lot Resurfacing Project

Professional Engineer Bob Minix presented information on the Glenwood-Crescent Parking Lot Resurfacing Project. The project provides for pavement removal, repair of poor base areas, resurfacing, and restriping of the Glenwood-Crescent Parking Lot. Arrow Road Construction is the low bidder of 15 bids received on March 30, 2010. The work is expected to take place during the last two weeks of April, with a completion date no later than April 30. The Main and Glenwood lot was completed last year, but the Glenwood/Crescent lot was not done because of scheduling conflicts with the contractor. This project was brought forward to this year.

Trustee Comerford moved and Trustee Thorsell seconded the motion to approve award of a contract to Arrow Road Construction, Inc., of Mount Prospect, Illinois for the Glenwood-Crescent Parking Lot Resurfacing Project in the not-to-exceed amount of \$130,000, which includes a 12-percent contingency, to be expensed to the FY 09-10 Parking Fund.

Upon roll call, Trustees Comerford, Thorsell, Cooper, Hartweg, Henninger and Ladesic voted "Aye." Motion carried.

2009 Street Improvements Project – Deferred to April 26, 2010 Board Meeting

Reminders

- The next Regular Village Board Workshop meeting of the Glen Ellyn Village Board is scheduled for Monday, April 19, 2010 beginning at 7 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
- The next Regular Village Board Meeting is scheduled for Monday, April 26, 2010 with a Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

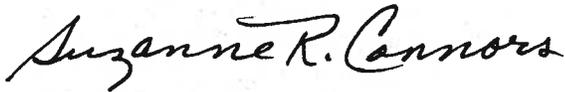
Other Business

None

Adjournment

At 9:55 p.m., Trustee Hartweg moved and Trustee Henninger seconded the motion to recess to executive session in Room 301 to consider the review of executive session minutes, the purchase or lease of real property, and to discuss pending litigation without returning to regular session. All Trustees present voted "Aye." Motion carried.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Suzanne R. Connors".

Suzanne R. Connors
Village Clerk

DRAFT

April 27, 2010

A-6E



Ms. Georgia Koch, Executive Director
Mr. Mike Formento, Executive Director
Glen Ellyn Chamber of Commerce
800 Roosevelt Road, Building D, Suite 108
Glen Ellyn, IL 60137

Re: 2010 Farmers' Market Management by Bensidoun, USA, Inc.

Dear Ms. Koch and Mr. Formento:

This letter is to confirm action taken at the Village Board meeting on Monday, April 26, 2010 regarding the 2010 Farmers' Market scheduled for Fridays between May 28 and October 29, 2010 as described in your attached letter dated March 25, 2010. The Village Board approved your requests with some conditions, and also temporarily waived the pertinent sections of the Village Code.

The formal approval by the Village Board provides for the following:

1. Approval of the use of the southern section of the Main Street parking lot on Fridays from 8 a.m. to 1 p.m. from May 28 to October 29. Chapter 3-23 regarding peddlers, Section 8-1-12 concerning the display and sale of merchandise on public ways and Section 4-5-9 concerning special event signs, have been waived for the Main Street parking lot during the days and times of the Farmers' Market.
2. Signs must be installed directing traffic to exit the Main Street lot via Glenwood Avenue. This should be coordinated with the Police Department (630-469-1187) and the Public Works Department (630-469-6756).
3. Village Code prohibits overnight parking in the southern two-thirds of the Main Street parking lot. The Police will again heighten early morning enforcement of the area to ensure necessary stalls remain clear. The Public Works Department will also provide barricades for use by Bensidoun USA at several Main Street lot entrances and exits. Barricades must be removed by Bensidoun USA at 1:00 p.m. each Friday.
4. Signs will be permitted in the right-of-way locations you have traditionally utilized. Off-premise advertising on private property will not be permitted.

5. The Public Works Department will provide a spigot behind the Flower Clock for water access each Friday before the start of the Farmer's Market. Bensidoun USA is responsible for monitoring spigot use during the duration of each Farmer's Market and Public Works will be responsible for the spigot removal after 1:00 p.m.
6. Evidence of insurance, in the amount of \$2 million listing the Village as additionally insured, must be presented to Personnel Analyst Danamarie Izzo by Friday, May 14, 2010.

Copies of your letter, together with this reply, will be furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of the Chamber. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Steve Jones
Village Manager

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cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Police Chief
Dave Buckley, Assistant Public Works Director
Danamarie Izzo, Personnel Analyst
Patti Underhill, Administrative Services Coordinator

DRAFT

A-6F



April 27, 2010

Georgia Koch, Executive Director
Mike Formento, Executive Director
Glen Ellyn Chamber of Commerce
800 Roosevelt Road, Building D, Suite 108
Glen Ellyn, IL 60137

Re: 2010 Taste of Glen Ellyn

Dear Ms. Koch and Mr. Formento:

This letter is to confirm action taken at the Village Board Meeting on Monday, April 26, 2010 regarding the 2010 Taste of Glen Ellyn scheduled for Thursday, May 20, Friday, May 21 and Saturday, May 22, 2010, as described in the Chamber's attached letter of March 24, 2010. The Village Board approved your requests with modifications and also temporarily waived the pertinent sections of our Village Code. Representatives of the Chamber must meet with appropriate Police and Public Works Department staff by Tuesday, May 11, 2010, to finalize and coordinate all details.

The formal approval by the Village Board provides for the following:

1. Approval for the event to begin at 5:00 p.m. on Thursday, May 20 and to continue to 11:00 p.m. on Saturday, May 22, 2010. Please note that this closing time is modified from your request letter.
2. Approval of the use of the Main Street parking lot from 6:00 a.m. on Thursday, May 20, through Sunday, May 23. Entrances to the lot will be blocked by barricades to allow for setup on Thursday morning, May 20. Any set up requiring loud noises may not occur before 7:00 a.m. on Thursday, May 20 or on any other days of the Taste. The entire northern section of the parking lot must be cleared, clean, and available for use by 12:00 p.m. on Sunday, May 23. The majority of the remaining portion of the lot must be cleared and available for use by 3:00 p.m. on Sunday, May 23. Items which are being left for pick up by others must be consolidated as best as possible and must be removed by the end of the day on Sunday, May 23, 2010. The Chamber should contact Fox Grease directly, at 847-888-2454, to arrange cleanup and removal of grease produced by vendors. Cleanup and removal of grease produced by vendors is the responsibility of the Chamber and must occur by Monday, May 24, 2010.

3. Approval to close the west side of Main Street, between Duane Street and Hillside Avenue, from 3:00 p.m. to 11:00 p.m. on Thursday, May 20, 2010. Please contact the Police Department to work out the details of this request (630-469-1187).
4. Approval to close Main Street between Duane Street and Hillside Avenue from Friday, May 21 at 9:00 a.m. through Saturday, May 22 at 11:00 p.m. Coordinate the times for these streets closures and any other requested detours with the Police Department. Planning, implementation and final approval of all street closures and detours will be handled by the Police Department. In order to provide access for emergency vehicles, a designated traffic lane, 15 feet in width, will be left on the appropriate side of Main Street.
5. The Chamber will need to make arrangements with the Police Department and the Public Works Department regarding the proper placement of fencing to ensure safety during the event.
6. The Chamber must provide enough volunteers to adequately staff the entrances and exits of the event.
7. Chapter 3-23, Section 8-1-11 and Section 8-1-12 of the Village Code concerning peddlers, the obstruction of public ways, and the display and sale of merchandise on public ways, respectively, have been waived for the three days of the event. The provision allows existing merchants in the Village to display merchandise on the sidewalks during the three days of the Taste of Glen Ellyn event. However, merchants in the Village may only use sidewalks for this purpose.
8. The Village will place temporary signage to designate three handicapped parking spaces in an appropriate location near the event as determined by the Police Department. The temporary signage will be in place for all three days of the event.
9. Extra trash and recycling receptacles will be placed by the Public Works Department in the Main Street Parking Lot and throughout the Central Business District with the understanding that solid waste/recycling collection arrangements for all Central Business District on-street containers are the responsibility of the Chamber of Commerce. Plastic bags should be used to line the containers, the containers should be marked as either refuse or recycling, and they should be emptied as necessary throughout the event. The Chamber should contact Allied Waste directly at 630-469-1036 to make arrangements. All trash/recycling receptacles in the Main Street parking lot and extra wire trash/recycling receptacles in the Central Business District must be turned upside down once the event has ended and they have been emptied so that the containers are not used prior to pickup by the Public Works Department.
10. Village staff will ensure that streetlights are turned on for the event as requested. Please contact Rob Kadera and Mike Zitzka with Public Works (469-6756) to work out these details.

11. Village crews will place special event signs in selected locations around the Village. Please contact the Public Works Department at 630-469-6756 to discuss your request for updated signage.
12. Arrangements for alternate parking spaces to accommodate regular users of the Main Street Lot must be developed. Please work with the representative of the Police Department by Thursday, May 6, 2010, so that the Village may draft and distribute a letter to these users.
13. Police support to assist in traffic flow can be accommodated as scheduling permits. Please work with the Police Department representative regarding traffic concerns.
14. The Village of Glen Ellyn will assess the Main Street Parking Lot prior to the event. Any damage to occur during the event will be the responsibility of the Chamber of Commerce to repair in a manner that is acceptable to the Department of Public Works. If event damage occurs and is not repaired by the Chamber, the Village will make any necessary repairs and bill the Chamber for the repair work.
15. If beer and/or wine are to be sold, the Chamber of Commerce must apply for a Class E Liquor License by contacting Administrative Services Coordinator Patti Underhill. The policy shall list the Village of Glen Ellyn as owner of the property and provide coverage at a minimum of \$500,000 per person or occurrence. The Class E Liquor License Application is also available online at www.glenellyn.org and is due no later than Tuesday, May 11, 2010. In addition to the \$20 application fee for the Class E Liquor License, the Chamber must provide dramshop (liquor liability) insurance.
16. Sales of beer and/or wine will be allowed in the Main Street Parking Lot within the defined area of the Taste event only after approval and issuance of a liquor license by the Liquor Commissioner. Specific details of security, and the dispensing of beer and/or wine, including a specific area for alcohol consumption and the use of clear plastic cups, must be coordinated with and approved by the Police Chief (or his designee) prior to receipt of a Class E Liquor License. The sale of liquor will cease one-half hour prior to the closing time of each evening or earlier if deemed appropriate at the discretion of the Police Chief or his designee. The sale of liquor is specifically approved to occur as follows: Thursday, May 20, from 5:00 p.m. to 9:30 p.m.; Friday, May 21, from 5:00 p.m. to 10:30 p.m.; and Saturday, May 22, from 12:00 noon to 10:30 p.m.
17. It is necessary to obtain a Special Event Liquor License from the Illinois Liquor Control Commission. Please visit their website at www.state.il.us/lcc/ for more information.
18. The Chamber will be required to send every employee serving alcohol at the event to attend Beverage Alcohol Sellers and Servers Education and Training (BASSET). Please

contact the Police Department at 630-469-1187 to coordinate the details of this requirement.

19. Evidence of insurance from the Chamber of Commerce in the amount of \$2 million listing the Village as additionally insured must be presented to Personnel Analyst Danamarie Izzo no later than Tuesday, May 11, 2010.
20. BR Ryall YMCA will need to obtain Police Department approval and a permit to hold the Chase to the Taste Run, on Saturday, May 22, 2010. Arrangements for the Chase to the Taste Run will need to be worked out with Police and Public Works. Village staff needs to know the route for the Chase to the Taste Run by Tuesday, May 11, 2010.
21. The Chamber must notify the surrounding businesses located on Main Street in the Central Business District of the event to take place, in addition to the approved street closure. Notification must occur prior to Tuesday, May 11, 2010. A copy of the notification provided to businesses shall be provided to the Village by Tuesday, May 11.
22. Evidence of insurance for the Chase to the Taste Run and the climbing wall, sponsored by BR Ryall YMCA, in the amount of \$2 million listing the Village as additionally insured must be presented to Personnel Analyst Danamarie Izzo no later than Tuesday, May 11, 2010.

Traditionally, the Chamber has held follow up meetings after their major events. It is encouraged that the Chamber continue this activity and invite all merchants and retailers that front on this block of Main Street to attend the follow up meeting for the Taste of Glen Ellyn. Representatives of the Village would appreciate attending, as well.

Copies of your letter, together with this reply, are being furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of the Chamber. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Steve Jones
Village Manager

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cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Police Chief
Dave Buckley, Assistant Public Works Director
Danamarie Izzo, Personnel Analyst
Patti Underhill, Administrative Services Coordinator

DRAFT

April 27, 2010

A-6G



Mark Flynn, Raffle Manager
Glenbard West Boosters Club
670 Crescent Boulevard
Glen Ellyn, IL 60137

RE: Cow-Chip Bingo Event

Dear Mr. Flynn:

This letter is to confirm action taken at the Village Board Meeting on Monday, April 26, 2010, regarding the Glenbard West Boosters Club's Cow-Chip Bingo event, scheduled for Sunday, May 23, 2010, as described in the Booster Club's attached letter. The Village Board approved your requests and also temporarily waived the following sections of the Village Code, as stated below.

1. Approval for the event to occur on Sunday, May 23, 2010 from 12:00 p.m. to 3:00 p.m. at Glenbard West Memorial Field.
2. Section 8-1-11 (Street Obstructions) of the Village Code has been waived in order to allow a life-size fiberglass cow to be on display at various locations in the Central Business District between May 1, 2010 and May 22, 2010.
3. Permission is granted for the event to include an exhibit of live animals with the waiver of Sections 6-3-2 (Dangerous Animals) and 6-3-8 (Prohibited Animals) of the Village Code.
4. Non-alcoholic drinks and food will be allowed on Sunday, May 23, 2010 only after approval by the DuPage County Health Department.
5. Glenbard West Boosters Club is reminded that if signs are utilized to advertise the event, they must be in accordance with Section 4-5-8(B) of the Sign Code. Please contact the Planning and Development Department at 630-547-5250 with your plans for signage to determine any permit requirements or prohibitions.
6. Evidence of insurance from the Glenbard West Boosters Club in the amount of \$2 million listing the Village as additionally insured must be presented to Personnel Analyst Danamarie Izzo by Tuesday, May 11, 2010.

Copies of your letter, together with this reply, are being furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of your organization. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Steve Jones
Village Manager

cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Chief of Police
Dave Buckley, Assistant Public Works Director
Danamarie Izzo, Personnel Analyst
Patti Underhill, Administrative Services Coordinator

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A-6H



DRAFT

April 27, 2010

Carol White
Downtown Glen Ellyn Alliance
286 N. Park Boulevard
Glen Ellyn, IL 60137

RE: Amendment to the 2010 Couples Night Out Approval Letter

Dear Ms. White:

The Village of Glen Ellyn is in receipt of the Downtown Glen Ellyn Alliance's amended request letter dated April 8, 2010 for the 2010 Couples Night Out event to be held on Friday, April 30, 2010. The Village of Glen Ellyn has approved your amended request for live entertainment.

Amended approval by the Village of Glen Ellyn provides for the following:

1. Section 10-4-17.1.B.32 concerning promotional events has been waived in order to allow entertainment in the form of live musicians at 476 N. Main Street, 530 Duane Street and 560 Crescent Boulevard on Friday, April 30, 2010 between 6:00 p.m. and 10:00 p.m. Please remind the musicians that people do reside in the area where they are playing, and that the amplified music should cease promptly at 10:00 p.m.

Copies of your letter, together with this reply, are being furnished to appropriate staff members. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Steve Jones
Village Manager

cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Chief of Police
Dave Buckley, Assistant Director of Public Works
Danamarie Izzo, Personnel Analyst
Patti Underhill, Administrative Services Coordinator

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UPDATED

A-6i



To: Steve Jones, Village Manager
From: Joe Caracci, Public Works Director
Date: April 12, 2010
Re: Reservoir Vent Security Shroud

Background

In 2004, a federally mandated vulnerability assessment (VA) was performed in Glen Ellyn. The purpose of the assessment was to identify areas vulnerable to security breaches. One component of the assessment was an evaluation of our water distribution and storage facilities. One outstanding item left from the VA is the modification of the air vents located on top of our two – one million gallon concrete storage reservoirs. Although facilities are protected with security fence and monitored, the existing configuration of the vent systems was identified as potential tampering locations. Our water system is the most vital systems in the Village and the public's health relies on our constant protection. The Public Works Team has performed extensive research on possible systems that can protect this important asset. We are now in a position to recommend the purchase of a new shroud system at each of our reservoirs.

Issues

The Omega Vent Security Shroud is manufactured and sold through ARC Corporation of Billings, Montana. The Omega shroud incorporates multiple baffles that allow sufficient air exchange while creating a formidable barrier to penetration. Our research did not find another shroud comparable or competitive with the Omega shroud. ARC is the sole source supplier for the product.

We requested a quote from ARC for the purchase and delivery of two shrouds. The cost is \$10,900 plus shipping (estimated at \$900). Funding was set aside in the current (FY10) Water Fund in the amount of \$12,000 for the purchase of the shrouds. Public Works crews will perform the installation.

Action Requested.

1. Motion to waive competitive bidding and approve the purchase of two OMEGA vent security shrouds from ARC Corporation of Billings, Montana in the not-to-exceed amount of \$12,000 to be expensed to the FY09/10 Water Fund.

Recommendation

I recommend approval of the contract.

A-6J



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: April 12, 2010

Re: FY11 – FY13 Tree Removal Contract

Background

Our Tree Removal Program is a year round program that is performed by both Public Works Crews and an outside contractor. Public Works typically removes trees less than 15 inches in diameter, while the contractor provides removal services for those trees 15 inches or greater. On occasion, staff will remove larger trees if they have succumbed to storm damage and / or do not have much of a canopy.

Trees are removed for a number of reasons. Some of the most common reasons for a tree removal in Glen Ellyn are disease (i.e. Dutch Elm Disease and EAB), construction damage, construction/utility conflicts, declining or dead trees, and tree risk assessments.

The following table summarizes the tree removal history for the past eight years. The Contractor Removals line in the table also includes trees removed through the ComEd Franchise Program and the 2008 Ash Reduction Program. ComEd is no longer participating in the Franchise Program.

Tree Removals in Glen Ellyn 2001 – 2009 (calendar year)									
	2002	2003	2004	2005	2006	2007	2008	2009	Ave/Year
PW Removals	143	220	208	157	103	171	171	138	164
Contractor Removals	117	105	67	72	100	126	142	91	103
Total Removals	260	325	275	229	203	297	313	229	267

Our tree removal contracts run parallel with our fiscal year calendar. Our current three year contract with Steve Piper & Sons will expire on April 30, 2010. The Tree Removal Program is another vital component of our Forestry Maintenance Program.

Issues

Bid specifications were advertised in the April 1 edition of the Daily Herald. Bid packages were also mailed directly to 17 tree care contractors. Five bids were submitted and read aloud at the April 12, 2010 bid opening. Steve Piper & Sons submitted the lowest bid for both Year 1 and Total 3 Year cost. Steve Piper has performed our tree removal contract successfully for the past

three years. We have been very satisfied with their work on this contract and look forward to working with them again.

It is interesting to note that the unit costs for this upcoming three year contract are significantly below those of the previous contract with Piper. I have attached both the contract proposal forms from the last (FY08-FY10) contract as well as those from the proposed (FY11-FY13) contract. In FY11 alone, these bid results are 20-31% lower than the current FY10 unit prices.

DBH Size Class	FY10 (Current)	FY11 (Proposed)
15-23"	\$22.05 / inch	\$15.50 / inch
24-35"	\$26.50 / inch	\$19.25 / inch
36" and Greater	\$35.30 / inch	\$28.50 / inch

This year's removal contract will also include allocations for the Emerald Ash Borer (EAB) Management Plan as well as stump removals for trees removed during the winter months. The total contract value by year can be summarized in the following table:

Fiscal Year	Tree Removal Costs	Stump Removal Costs	Total Costs
FY11	\$58,300	\$15,900	\$74,200
FY12	\$59,070	\$16,100	\$75,170
FY13	\$60,948	\$16,448	\$77,396
Total	\$178,318	\$48,448	\$226,766

The total budgeted dollars for removals in the proposed budget (attached) is a combination of Tree Removals (\$83,000) and EAB Program (\$52,500) and totals \$135,500. The proposed award for the FY11 combined program including a 15% contingency is \$85,000. This award, in essence, returns \$50,500 to the FY11 General Fund.

At this time we recommend approval of a three year contract with Steve Piper & Sons. Two upsides to awarding the full term of the contract now are that we can capitalize on these reduced unit prices and bypass the need (and additional personnel expense) to come back to the Village Board for formal approval of Year 2 (in 2011) and Year 3 in (2012). The downside would be that we are committing funding for future budgets.

Action Requested

1. Motion to approve award of a contract with Steve Piper & Sons for the annual tree removal program for a three year span of 2010 – 2013, to be expensed to the corresponding fiscal year General Fund at the following yearly costs:

FY10-11	\$85,000
FY11-12	\$87,000
<u>FY12-13</u>	<u>\$89,000</u>
TOTAL	\$261,000

Recommendation

I recommend approval of the contract.

Attachments

- Memorandum dated April 12, 2010 (with attachments) authored by Village Forester Peggy Drescher

Interoffice Memorandum

to: Joseph M. Caracci, Acting Public Works Director
from: Peggy Drescher, Village Forester
subject: Recommendation for 2010-2013 Parkway Tree Removal Contract
date: April 13, 2010

BOARD WORKSHOP:	April 19, 2010
BOARD MEETING:	April 26, 2010
BID ADVERTISEMENT:	April 1, 2010
BIDS MAILED TO:	17 Contractors
BIDS OPENED:	April 12, 2010
BIDS RECEIVED:	Removal - 5
RECOMMENDED CONTRACTOR	Steve Piper & Sons 31 W320 Ramm Drive Naperville, IL 60564
ACCOUNT NUMBER & PURCHASES PRICES	Removal- Account #143200-521095 Not to exceed \$261,000
SUPERVISING STAFF:	Peggy Drescher, Village Forester

The intent of this memo is to present information and recommend one contractor for the removal of parkway trees 15" in diameter and larger.

BACKGROUND

Since 1989 the Village has contracted out the removal of larger diameter trees (15" DBH and greater) and the Village have removed smaller diameter trees (14" DBH and less). The average number of trees the contractor removes in a year is 80 trees per year. Now that EAB is confirmed in Glen Ellyn we can expect our removal numbers and costs to increase. In the past, Village crews had removed all stumps in-house, however we are adding a portion of the stump removal to this contract. The current multi-year removal contract will expire on April 30, 2010.

The Village benefits in many ways with multi-year contracts.

- We secure better prices because the contractor is assured of a longer working period.
- The contractor becomes better acquainted with the municipality's standards and procedures and in turn provides better service.
- The village and contractor are able to acquire a closer working relationship and as a result, the contractor becomes committed to the community.

Bids were mailed (and/or picked up) to 17 contractors and notice was published in the Daily Herald. Quotes were also requested for parkway tree removal, emergency work (major storm damage) and stump removal for a three-year period. A summary of the bids is shown below.

BID SUMMARY For May 1, 2010– April 30, 2013

FIRM	REMOVAL
Steve Piper	\$226,765
Winkler	\$286,234
B. Haney	\$294,770.5
Davey	\$372,152
Asplundh	\$420,750

Please see attached for cost comparisons on specific price categories based on diameter inch.

RECOMMENDATION

We are recommending that the Village Board award a contract to the low bidder Steve Piper & Sons, Inc. for the removal of trees, 15” and greater, over the next three year period – May 1, 2010 thru April 30, 2013. They were the low bidder of five. We have worked with them in the past on our removal contract and are very satisfied. The account to be expensed follows along with the corresponding fiscal year:

Year 2010 - \$85,000
Year 2011 - \$87,000
Year 2012 - \$89,000
Total Cost \$261,000

Enc. Excerpt from Bid Package for Steve Piper & Sons

Cc: Kristen Shrader

throughout the Village. The anticipated life of a pavement marking is three years. Due to recent revenue losses and general economic conditions our pavement marking program has been drastically reduced and deferred over the past three years. Our goal is to get back on track with a catch up year completing our asphalt program (\$45,000) from last year and our scheduled concrete pavement marking program (\$45,000).

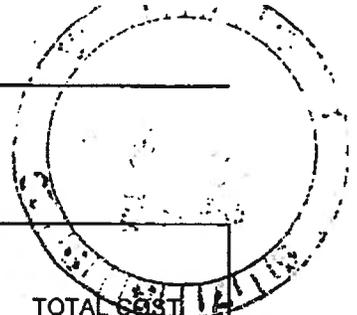
9. **Maintenance - Traffic Signals: (\$20,000)** Provides \$13,000 for maintenance costs shared with IDOT for traffic signals at Baker Hill/Roosevelt Road, Pershing Avenue/Route 53, DuPage Blvd./Route 53, and Spring Avenue/Route 53 intersections. IDOT pays 100% of the maintenance costs of all other signals on state roads. DuPage County is responsible for signals on Geneva and St. Charles Roads. Also includes \$7,000 for contract and in-house maintenance of six signalized intersections, six flashing lights at three locations in the CBD, a flashing signal at Hill/Golf (Glen Oak CC), and the Opticom emergency vehicle traffic signal override system equipment.
10. **Maintenance - Streetlights: (\$45,000)** Provides for contract electrical maintenance services (\$20,000) and streetlight parts (\$25,000) necessary to maintain more than 700 lights and posts throughout Glen Ellyn. Streetlight maintenance continues to be a large proportion of the Operations Division workload each year as more lights are added in several locations.
11. **Professional Services/Other: (\$21,000)** Includes \$3,000 for weather forecasting and monitoring, \$15,000 for Consulting Forester charges related to Tree Protection Ordinance enforcement, and \$3,000 for electrical contractor services.
12. **CBD Appearance: (\$40,500)** Amount shown includes: \$27,300 for material costs for three seasonal CBD flower plantings, \$1,200 for American flags, \$4,000 for seasonal floral clock displays, and \$4,000 for miscellaneous needs to improve the CBD appearance. Also this year we look to replace 4 permanent planters/pots near the flower clock (\$4,000).
13. **Professional Services/Snow Removal: (\$20,000)** Provides for contracted snow removal primarily from the CBD (Central Business District) and disposal at Ackerman Park and/or the Village Green Parking Lot on Lambert Road.
14. **Tree Trimming: (\$50,000)** Funds contractor trimming of parkway trees 10" Diameter Breast Height (DBH) and larger through our winter pruning program. DBH is the measurement of a tree's diameter at a height of four and one half feet above the ground. Due to budget cutbacks, last year's program was reduced and covered only half of the intended Zone E trees. The 2010-2011 Program will include all trees east of Park, west of Bryant, north of Fairview and south of the UPRR. Estimated quantities are 730 trees (contracted @ \$50,000) and 460 trees (performed in-house @ \$0).
15. **Tree Removal: (\$83,000)** Provides for contractor removal (\$70,000) of approximately 100 trees of 15" diameter and larger. This year we also will begin to utilize the tree contractor to remove contractor stumps (\$13,000) generated between the months of November and

April. This will allow us to meet our goal of removing stumps within 6 weeks of tree removal.

16. **Tree Replacement: (\$43,000)** Over the past two years, we have identified 170 available spaces for trees to be planted as a result of our tree removal program (not including EAB Program). Last fall we did not plant any new trees, nor will we plant trees in Spring 2010 due to budget constraints. Trees are purchased through the Suburban Tree Consortium which manages procurement, delivery and installation of the trees.
17. **Developer Reforestation Program: (\$0)** Between 2000-2006, the Planning and Development Department collected over \$148,000 from developers, builders, contractors, and homeowners in the form of tree deposits set aside for parkway tree restoration and maintenance of damaged trees associated with private and public projects. In essence, this line item is an allocation of developer contributions to our parkway reforestation programs.
18. **EAB (Emerald Ash Borer) Program: (\$80,000)** In March 2009, the Illinois Department of Agriculture confirmed the presence of EAB in Glen Ellyn. Since then the Village has developed an EAB Management Plan which calls for a number of actions to be taken to combat this deadly insect. In FY11, we are budgeting for the contract tree and stump removal of approximately 50 ash trees greater than 15" DBH (\$52,500), chemical treatment of 250 trees (\$10,000) and contracted tree replacement of 70 of the planned 90 removal trees (\$17,500).
19. **Landfill Fees: (\$0)** Provides for the disposal of street sweepings, leaves and asphalt removed during street patching. These will be expensed through the Solid Waste Fund beginning in FY09/10.
20. **Asphalt: (\$19,000)** Provides \$17,000 for asphalt and \$2,000 for emulsion used as a primer before asphalt placement. The asphalt will be used for minor repairs and pothole patching throughout the year. The Village's more comprehensive street patching program will be contracted out and funded in the Capital Projects Fund.
21. **Safety Supplies: (\$5,800)** Provides \$2,500 for 75 barricades (25 with lights and 50 without lights), \$1,000 for traffic safety cones, and \$1,000 for safety hats, glasses, gloves, etc. Also funds a share of the cost (\$1,300) to provide OSHA required steel-toed boots for employees.
22. **Capital Equipment: (\$6,500)** Provides \$2,500 for an ice maker at Public Works, \$2,000 for new fence posts for special events, and \$2,000 for an industrial vacuum for the wash bay.

CONTRACTOR Steve Piper & Sons, Inc.

PARKWAY TREE REMOVAL



5. a. BIDDER will complete the Work for the following price(s) from May 1, 2010 through April 30, 2011 (year one)

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF TREES	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	65	1200	\$ <u>15.50</u> / in.	\$ 18,600. ⁰⁰
24-35"	40	1100	\$ <u>19.25</u> / in.	\$ 21,175. ⁰⁰
36" & greater	15	650	\$ <u>28.50</u> / in.	\$ 18,525. ⁰⁰
TOTAL REMOVAL COST \$				<u>58,300.⁰⁰</u>

5. b. BIDDER will complete the Work for the following price(s) from May 1, 2011 through April 30, 2012 (year two)

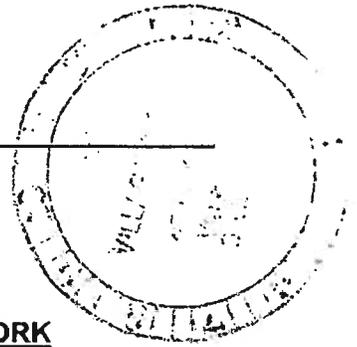
D.B.H. SIZE CLASS	ESTIMATED NUMBER OF TREES	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	65	1200	\$ <u>15.75</u> / in.	\$ 18,900. ⁰⁰
24-35"	40	1100	\$ <u>19.50</u> / in.	\$ 21,450. ⁰⁰
36" & greater	15	650	\$ <u>28.80</u> / in.	\$ 18,720. ⁰⁰
TOTAL REMOVAL COST \$				<u>59,070.⁰⁰</u>

5. c. BIDDER will complete the Work for the following price(s) from May 1, 2012 through April 30, 2013 (year three)

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF TREES	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	65	1200	\$ <u>16.25</u> / in.	\$ 19,500. ⁰⁰
24-35"	40	1100	\$ <u>20.10</u> / in.	\$ 22,110. ⁰⁰
36" & greater	15	650	\$ <u>29.75</u> / in.	\$ 19,337. ⁵⁰
TOTAL REMOVAL COST \$				<u>60,947.⁵⁰</u>

TOTAL MULTI-YEAR REMOVAL COST \$ 178,317.⁵⁰

CONTRACTOR Steve Piper & Sons, Inc.
PARKWAY TREE REMOVAL – Year One



6. a. BIDDER will complete the Work for the following price(s)
 from May 1, 2010 through April 30, 2011:

TIME & MATERIAL BASIS FOR AUTHORIZED EMERGENCY WORK
HOURLY RATES FOR EMERGENCY PURPOSES

Labor Regular time

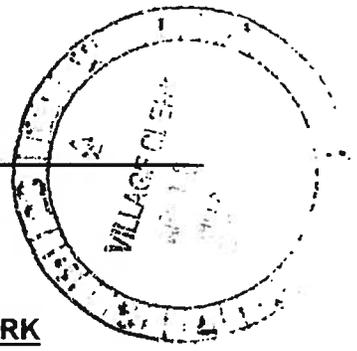
FOREMAN: \$ 76.10 /HR
 SKILLED LABOR: \$ 66.15 /HR
 COMMON LABOR: \$ 57.35 /HR
 TOTAL PER LABOR HOUR: \$ 199.60 /HR

Labor Over Time

FOREMAN \$ 114.15 /HR
 SKILLED \$ 99.23 /HR
 COMMON \$ 86.03 /HR
 TOTAL PER LABOR HOUR: \$ 299.41 /HR

Equipment:	Cost Per Hour	List any Equipment Substitutions/Cost
AERIAL TOWER	\$ <u>38.60</u>	-
CLAM	\$ <u>44.10</u>	-
LOG TRUCK	\$ <u>44.10</u>	-
CHIPPER	\$ <u>16.55</u>	-
CHIPPER TRUCK	\$ <u>16.55</u>	-
STUMPER	\$ <u>27.60</u>	-
SEMI	\$ <u>44.10</u>	-
DUMP DISPOSAL	\$ <u>8.30 /cyd</u>	-
PICKUP TRUCK	\$ <u>5.55</u>	-
CRANE	\$ <u>100.00</u>	-

CONTRACTOR Steve Piper & Sons, Inc.
PARKWAY TREE REMOVAL - Year Two



6. b. BIDDER will complete the Work for the following price(s)
 from **May 1, 2011** through **April 30, 2012**:

TIME & MATERIAL BASIS FOR AUTHORIZED EMERGENCY WORK
HOURLY RATES FOR EMERGENCY PURPOSES

Labor Regular time

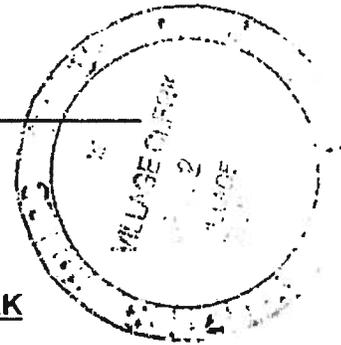
FOREMAN: \$ 78.38 / HR
 SKILLED LABOR: \$ 68.13 / HR
 COMMON LABOR: \$ 59.07 / HR
 TOTAL PER LABOR HOUR: \$ 205.58 / HR

Labor Overtime

FOREMAN: \$ 117.57 / HR
 SKILLED LABOR: \$ 102.21 / HR
 COMMON LABOR: \$ 88.61 / HR
 TOTAL PER LABOR HOUR: \$ 308.39 / HR

Equipment:	Cost Per Hour	List any Equipment Substitutions/Cost
AERIAL TOWER	\$ <u>39.76</u>	-
CLAM	\$ <u>45.42</u>	-
LOG TRUCK	\$ <u>45.42</u>	-
CHIPPER	\$ <u>17.05</u>	-
CHIPPER TRUCK	\$ <u>17.05</u>	-
STUMPER	\$ <u>28.43</u>	-
SEMI	\$ <u>45.42</u>	-
DUMP DISPOSAL	\$ <u>8.55 / cyd</u>	-
PICKUP TRUCK	\$ <u>5.72</u>	-
CRANE	\$ <u>103.00</u>	-

CONTRACTOR Steve Piper & Sons, Inc.
PARKWAY TREE REMOVAL -- Year Three



6 c. BIDDER will complete the Work for the following price(s)
 from May 1, 2012 through April 30, 2013:

TIME & MATERIAL BASIS FOR AUTHORIZED EMERGENCY WORK
HOURLY RATES FOR EMERGENCY PURPOSES

Labor Regular time

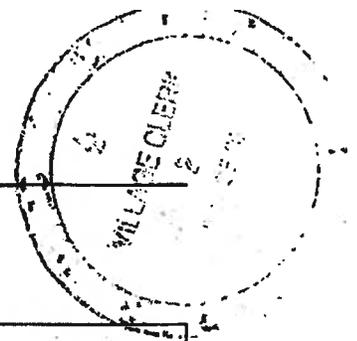
FOREMAN: \$ 80.73 /HR
 SKILLED LABOR: \$ 70.17 /HR
 COMMON LABOR: \$ 60.84 /HR
 TOTAL PER LABOR HOUR: \$ 211.74 /HR

Labor Overtime

FOREMAN \$ 121.10 /HR
 SKILLED LABOR: \$ 105.28 /HR
 COMMON LABOR \$ 91.27 /HR
 TOTAL PER LABOR HOUR: \$ 317.65 /HR

Equipment:	Cost Per Hour	List any Equipment Substitutions/Cost
AERIAL TOWER	\$ <u>40.95</u>	-
CLAM	\$ <u>46.78</u>	-
LOG TRUCK	\$ <u>46.78</u>	-
CHIPPER	\$ <u>17.56</u>	-
CHIPPER TRUCK	\$ <u>17.56</u>	-
STUMPER	\$ <u>29.28</u>	-
SEMI	\$ <u>46.78</u>	-
DUMP DISPOSAL	\$ <u>8.81</u> /cyd	-
PICKUP TRUCK	\$ <u>5.89</u>	-
CRANE	\$ <u>106.09</u>	-

CONTRACTOR Steve Piper & Sons, Inc.
PARKWAY STUMP REMOVAL AND RESTORATION



5. a. BIDDER will complete the Work for the following price(s)
 from May 1, 2010 through April 30, 2011 (year one)

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF STUMPS	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	80	1050	\$ 7.00	\$ 7350. ⁰⁰
24" & greater	40	950	\$ 9.00	\$ 8550. ⁰⁰
Total Removal Cost				\$ 15,900. ⁰⁰

5. b. BIDDER will complete the Work for the following price(s)
 from May 1, 2011 through April 30, 2012 (year two)

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF STUMPS	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	80	1050	\$ 7. ¹⁰ /in.	\$ 7455. ⁰⁰
24" & greater	40	950	\$ 9. ¹⁰ /in.	\$ 8645. ⁰⁰
TOTAL REMOVAL COST				\$ 16,100. ⁰⁰

5. c. BIDDER will complete the Work for the following price(s)
 from May 1, 2012 through April 30, 2013 (year three)

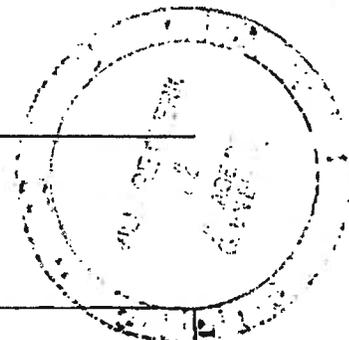
D.B.H. SIZE CLASS	ESTIMATED NUMBER OF STUMPS	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	80	1050	\$ 7.25 /in.	\$ 7612. ⁵⁰
24" & greater	40	950	\$ 9.30 /in.	\$ 8835. ⁰⁰
TOTAL REMOVAL COST				\$ 16,447. ⁵⁰

TOTAL MULTI-YEAR STUMP REMOVAL AND RESTORATION COST \$ 48,447.⁵⁰

CONTRACTOR

Steve Piper & Sons, Inc.

PARKWAY STUMP REMOVAL



5. a. BIDDER will complete the Work for the following price(s) from May 1, 2010 through April 30, 2011 (year one)

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF STUMPS	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	80	1050	\$ 2.50	\$ 2,625. ⁰⁰
24" & greater	40	950	\$ 2.50	\$ 2,375. ⁰⁰
Total Removal Cost				\$ 5,000. ⁰⁰

5. b. BIDDER will complete the Work for the following price(s) from May 1, 2011 through April 30, 2012 (year two)

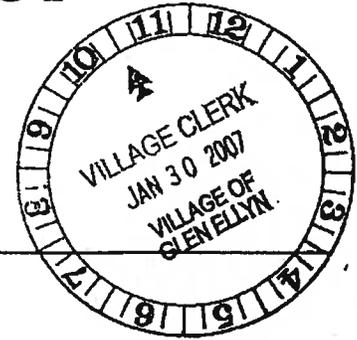
D.B.H. SIZE CLASS	ESTIMATED NUMBER OF STUMPS	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	80	1050	\$ 2.50 /in.	\$ 2,625. ⁰⁰
24" & greater	40	950	\$ 2.50 /in.	\$ 2,375. ⁰⁰
TOTAL REMOVAL COST				\$ 5,000. ⁰⁰

5. c. BIDDER will complete the Work for the following price(s) from May 1, 2012 through April 30, 2013 (year three)

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF STUMPS	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	80	1050	\$ 2.65 /in.	\$ 2,782. ⁵⁰
24" & greater	40	950	\$ 2.65 /in.	\$ 2,517. ⁵⁰
TOTAL REMOVAL COST				\$ 5,300. ⁰⁰

TOTAL MULTI-YEAR STUMP REMOVAL COST \$ 15,300.⁰⁰

FY08 - FY10 CONTRACT



CONTRACTOR Steve Piper + Sons, Inc.
PARKWAY TREE REMOVAL

5. a. BIDDER will complete the Work for the following price(s)
 from **May 1, 2007** through **April 30, 2008**:

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF TREES	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	50	950	\$ <u>20.⁰⁰</u> / in.	\$ <u>19,000.⁰⁰</u>
24-35"	50	1400	\$ <u>24.⁰⁰</u> / in.	\$ <u>33,600.⁰⁰</u>
36" & greater	15	590	\$ <u>32.⁰⁰</u> / in.	\$ <u>18,880.⁰⁰</u>
TOTAL REMOVAL COST				\$ <u>71,480.⁰⁰</u>

5. b. BIDDER will complete the Work for the following price(s)
 from **May 1, 2008** through **April 30, 2009**:

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF TREES	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	50	950	\$ <u>21.⁰⁰</u> / in.	\$ <u>19,950.⁰⁰</u>
24-35"	50	1400	\$ <u>25.²⁰</u> / in.	\$ <u>35,280.⁰⁰</u>
36" & greater	15	590	\$ <u>33.⁶⁰</u> / in.	\$ <u>19,824.⁰⁰</u>
TOTAL REMOVAL COST				\$ <u>75,054.⁰⁰</u>

5. c. BIDDER will complete the Work for the following price(s)
 from **May 1, 2009** through **April 30, 2010**:

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF TREES	ESTIMATED QUANTITIES IN INCHES	COST UNIT PRICE PER INCH	TOTAL COST
15-23"	50	950	\$ <u>22.⁰⁵</u> / in.	\$ <u>20,947.⁵⁰</u>
24-35"	50	1400	\$ <u>26.⁵⁰</u> / in.	\$ <u>37,100.⁰⁰</u>
36" & greater	15	590	\$ <u>35.³⁰</u> / in.	\$ <u>20,827.⁰⁰</u>
TOTAL REMOVAL COST				\$ <u>78,874.⁵⁰</u>

TOTAL MULTI-YEAR REMOVAL COST \$ 225,408.⁵⁰

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A-6K



To: Steve Jones, Village Manager
From: Joe Caracci, Public Works Director
Date: April 12, 2010
Re: FY11 – FY13 Tree Pruning Contract

Background

The Villages urban forest is divided into five geographical zones as described in the following table:

Glen Ellyn Forestry Geographic Zones					
Zone	North Limit	South limit	East limit	West limit	# of trees*
A	Fairview Ave	Village limits	Village limits	Village limits	4314
B	RR Tracks	Fairview Ave	Park Blvd	Village limits	3028
C	Village limits	RR Tracks	Main St	Village limits	2431
D	Village limits	RR Tracks	Village limits	Main St	2796
E	RR Tracks	Fairview Ave	Village limits	Park Blvd	2804

*Total number of trees as of 2009

Each year the Village administers a Tree Pruning Program in one of these zones during the winter months. The program allows us to remove deadwood from the trees while also allowing us to shape the trees as required. The pruning is done during the winter months as sap is not running from the trees and there is less chance for insects to attack the wounds left on the tree by the pruning. By performing pruning activities on one zone per year, we prune every tree in the Village within a five-year time frame. We are currently into our third rotation around the zones. Last year we split Zone E into two halves due to budgetary reasons and completed half the pruning this past winter. Our plan is to complete Zone E this coming winter and begin our fourth rotation anew in 2011.

The tree pruning program is performed by both Public Works Crews and a private contractor. The break point between Village pruning and contractor pruning has varied over the years with the most recent change occurring in 2009. Currently, the Village prunes trees under 10" in diameter and hires a contractor to prune those trees 10" and greater. The Tree Pruning Program is a vital component of our Forestry Maintenance Program and its existence has proven very beneficial.

Issues

Bids are typically sought in April for the next winter season in order to gauge accurate budget numbers and assure that our funding is sufficient to support this very important program. This

year, bid specifications were advertised in the April 1 edition of the Daily Herald. Bid packages were also mailed directly to 17 tree care contractors. Four bids were submitted and read aloud at the April 12, 2010 bid opening. Steve Piper & Sons submitted the lowest bid for both Year 1 and Total 3 Year cost. Steve Piper has performed other Forestry related contracts for us in the past and is currently the Village's Tree Removal Contractor. References were checked on their pruning experience and capabilities and all came back positive. We are now in a position to recommend approval of a contract with Steve Piper & Sons.

During the budget planning cycle, we utilized the existing contract prices to determine the level of recommended funding for the FY11 budget. Based on the quantities and unit prices from our last contract, \$50,000 was budgeted for FY11. The unit prices for tree pruning came in much lower than our current contract. I am happy to report that the cost to perform the pruning in Zone E (including a 15% contingency) was only \$34,500. This is sure to help our struggling General Fund.

At this time we recommend approval of a three year contract with Steve Piper & Sons. Two upsides to awarding the full term of the contract now are that we can capitalize on these reduced unit prices and bypass the need (and additional personnel expense) to come back to the Village Board for formal approval of Year 2 (in 2011) and Year 3 in (2012). The downside would be that we are committing funding for future budgets.

Action Requested

1. Motion to approve award of a contract with Steve Piper & Sons for the annual tree pruning program for a three year span of 2010 – 2013, to be expensed to the corresponding fiscal year General Fund at the following yearly costs:

FY10-11	\$34,500
FY11-12	\$64,500
FY12-13	\$75,000
TOTAL	\$174,000

Recommendation

I recommend approval of the contract.

Attachments

- Memorandum dated April 12, 2010 (with attachments) authored by Village Forester Peggy Drescher

Interoffice Memorandum

to: Joseph M. Caracci, Acting Public Works Director
from: Peggy Drescher, Village Forester
subject: Recommendation for 2010-2013 Parkway Tree Pruning Contract
date: April 12, 2010

BOARD WORKSHOP:	April 19, 2010
BOARD MEETING:	April 26, 2010
BID ADVERTISEMENT:	April 1, 2010
BIDS MAILED TO:	17 Contractors
BIDS OPENED:	April 12, 2010
BIDS RECEIVED:	Removal - 4
RECOMMENDED CONTRACTOR	Steve Piper & Sons
ACCOUNT NUMBERS:	<i>Trimming</i> – Account # 143200-521090 Not to exceed \$90,000
SUPERVISING STAFF:	Peggy Drescher, Village Forester

The intent of this memo is to present information and recommend a contractor for the pruning of parkway trees 10" in diameter and larger.

BACKGROUND

Our Parkway Tree Pruning Program consists of pruning parkway trees that are identified within a specific pruning zone. There are five pruning zones and with the completion of the upcoming pruning season we will have completed our third pruning cycle. This is a three year contract and the first year of pruning (2010/11) will finish up pruning in Zone E which was started last year. Last year was the first year we had to split our pruning zone to accommodate the lower budget. Both contractor and Village staff prune a portion of the parkway trees within each zone. This contract has the Village

pruning all trees 9” and less with the contractor pruning trees 10” and greater. The current pruning contract will expire on April 30, 2010.

The Village benefits in many ways with multi-year pruning contracts.

- We secure better prices because the contractor is assured of a longer working period.
- The contractor becomes better acquainted with the municipality's standards and procedures and in turn provides better service.
- The village and contractor are able to acquire a closer working relationship and as a result, the contractor becomes committed to the community.

Bids were mailed or picked up from 17 contractors and a notice was published in the April 1, 2010 edition of the Daily Herald. Quotes were requested for parkway tree pruning and emergency work (major storm damage) for a three-year period. A summary of the bids is shown below.

BID SUMMARY For May 1, 2010 – April 30, 2011

CONTRACTOR	PRUNING – ZONE E (870 Trees)
Steve Piper & Sons	\$29,572
Winkler	\$33,828
B. Haney & Sons	\$45,210
Davey	\$49,700

BID SUMMARY For May 1, 2011 - April 30, 2012

CONTRACTOR	PRUNING – ZONE A (1,950 Trees)
Steve Piper & Sons	\$56,007
Winkler	\$69,929
B. Haney & Sons	\$86,047
Davey	\$99,250

BID SUMMARY For May 1, 2012– April 30, 2013

CONTRACTOR	PRUNING – ZONE B (1,770 Trees)
Steve Piper & Sons	\$65,262
Winkler	\$74,208
B. Haney & Sons	\$101,647
Davey	\$111,600

Please see attached for cost comparisons on specific price categories.

RECOMMENDATION

Steve Piper & Sons, Inc was the low bidder. We have worked with them in the past on our removal contract and have contacted references familiar with their pruning capabilities and are satisfied that they can do the job.

We recommend that the Village Board award a three year contract to Steve Piper & Sons with the following yearly funding breakdown:

FY10-11	\$34,500
FY11-12	\$64,500
<u>FY12-13</u>	<u>\$75,000</u>
Total Cost	\$174,000

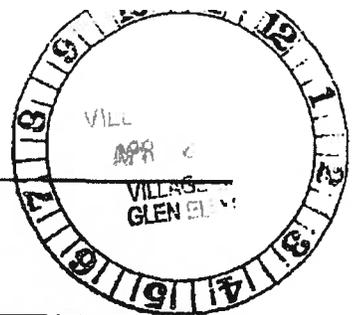
Enc. Excerpt from Bid Package for Steve Piper & Sons
Location Map for Tree Pruning Zones E, A and B

Cc: Kristen Shrader

throughout the Village. The anticipated life of a pavement marking is three years. Due to recent revenue losses and general economic conditions our pavement marking program has been drastically reduced and deferred over the past three years. Our goal is to get back on track with a catch up year completing our asphalt program (\$45,000) from last year and our scheduled concrete pavement marking program (\$45,000).

9. **Maintenance - Traffic Signals: (\$20,000)** Provides \$13,000 for maintenance costs shared with IDOT for traffic signals at Baker Hill/Roosevelt Road, Pershing Avenue/Route 53, DuPage Blvd./Route 53, and Spring Avenue/Route 53 intersections. IDOT pays 100% of the maintenance costs of all other signals on state roads. DuPage County is responsible for signals on Geneva and St. Charles Roads. Also includes \$7,000 for contract and in-house maintenance of six signalized intersections, six flashing lights at three locations in the CBD, a flashing signal at Hill/Golf (Glen Oak CC), and the Opticom emergency vehicle traffic signal override system equipment.
10. **Maintenance - Streetlights: (\$45,000)** Provides for contract electrical maintenance services (\$20,000) and streetlight parts (\$25,000) necessary to maintain more than 700 lights and posts throughout Glen Ellyn. Streetlight maintenance continues to be a large proportion of the Operations Division workload each year as more lights are added in several locations.
11. **Professional Services/Other: (\$21,000)** Includes \$3,000 for weather forecasting and monitoring, \$15,000 for Consulting Forester charges related to Tree Protection Ordinance enforcement, and \$3,000 for electrical contractor services.
12. **CBD Appearance: (\$40,500)** Amount shown includes: \$27,300 for material costs for three seasonal CBD flower plantings, \$1,200 for American flags, \$4,000 for seasonal floral clock displays, and \$4,000 for miscellaneous needs to improve the CBD appearance. Also this year we look to replace 4 permanent planters/pots near the flower clock (\$4,000).
13. **Professional Services/Snow Removal: (\$20,000)** Provides for contracted snow removal primarily from the CBD (Central Business District) and disposal at Ackerman Park and/or the Village Green Parking Lot on Lambert Road.
14. **Tree Trimming: (\$50,000)** Funds contractor trimming of parkway trees 10" Diameter Breast Height (DBH) and larger through our winter pruning program. DBH is the measurement of a tree's diameter at a height of four and one half feet above the ground. Due to budget cutbacks, last year's program was reduced and covered only half of the intended Zone E trees. The 2010-2011 Program will include all trees east of Park, west of Bryant, north of Fairview and south of the UPRR. Estimated quantities are 730 trees (contracted @ \$50,000) and 460 trees (performed in-house @ \$0).
15. **Tree Removal: (\$83,000)** Provides for contractor removal (\$70,000) of approximately 100 trees of 15" diameter and larger. This year we also will begin to utilize the tree contractor to remove contractor stumps (\$13,000) generated between the months of November and

CONTRACTOR Steve Piper & Sons, Inc.
PARKWAY TREE PRUNING ZONE E



4. a. BIDDER will complete the Work for the following price(s)
 from **May 1, 2010** through **April 30, 2011**:

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF TREES	COST PER TREE	TOTAL COST PER CLASS
10-15"	350	\$18.35	\$6,422.50
16-23"	350	\$30.50	\$10,675.00
24-35"	150	\$70.50	\$10,575.00
36" & greater	20	\$95.00	\$1,900.00
Total Pruning Cost			\$ 29,572.50

PARKWAY TREE PRUNING ZONE A

4. b. BIDDER will complete the Work for the following price(s)
 from **May 1, 2011** through **April 30, 2012**:

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF TREES	COST PER TREE	TOTAL COST PER CLASS
10-15"	1150	\$18.55	\$21,332.50
16-23"	570	\$30.80	\$17,556.00
24-35"	200	\$71.20	\$14,240.00
36" & greater	30	\$95.95	\$2,878.50
Total Pruning Cost Zone A			\$ 56,007.00

PARKWAY TREE PRUNING ZONE B

4. c. BIDDER will complete the Work for the following price(s)
 from **May 1, 2012** through **April 30, 2013**:

D.B.H. SIZE CLASS	ESTIMATED NUMBER OF TREES	COST PER TREE	TOTAL COST PER CLASS
10-15"	740	\$19.10	\$14,134.00
16-23"	630	\$31.75	\$20,002.50
24-35"	330	\$73.35	\$24,205.50
36" & greater	70	\$98.85	\$6,919.50
Total Pruning Cost			\$ 65,261.50

TOTAL MULTI-YEAR PRUNING COST \$ 150,841.00

CONTRACTOR: Steve Piper & Sons, Inc.



5. a. BIDDER will complete the Work for the following price(s) from May 1, 2010 through April 30, 2011:

TIME & MATERIAL BASIS FOR AUTHORIZED EMERGENCY WORK
HOURLY RATES FOR EMERGENCY PURPOSES

Labor Regular time

FOREMAN: \$ 76.¹⁰/HR
 SKILLED LABOR: \$ 66.¹⁵/HR
 COMMON LABOR: \$ 57.³⁵/HR
 TOTAL PER LABOR HOUR: \$ 199.⁶⁰/HR

Labor Over Time

FOREMAN \$ 114.¹⁵/HR
 SKILLED \$ 99.²³/HR
 COMMON \$ 86.⁰³/HR
 TOTAL PER LABOR HOUR: \$ 299.⁴¹/HR

Equipment:	Cost Per Hour	List any Equipment Substitutions/Cost
AERIAL TOWER	\$ <u>38.⁶⁰</u>	-
CLAM	\$ <u>44.¹⁰</u>	-
LOG TRUCK	\$ <u>44.¹⁰</u>	-
CHIPPER	\$ <u>16.⁵⁵</u>	-
CHIPPER TRUCK	\$ <u>16.⁵⁵</u>	-
STUMPER	\$ <u>27.⁶⁰</u>	-
SEMI	\$ <u>44.¹⁰</u>	-
DUMP DISPOSAL	\$ <u>8.³⁰/cyd</u>	-
PICKUP TRUCK	\$ <u>5.⁵⁵</u>	-
CRANE	\$ <u>100.⁰⁰</u>	-

CONTRACTOR Steve Piper & Sons, Inc.



5. b BIDDER will complete the Work for the following price(s) from May 1, 2011 through April 30, 2012:

TIME & MATERIAL BASIS FOR AUTHORIZED EMERGENCY WORK
HOURLY RATES FOR EMERGENCY PURPOSES

Labor Regular time

FOREMAN: \$ 78.³⁸/HR
 SKILLED LABOR: \$ 68.¹³/HR
 COMMON LABOR: \$ 59.⁰⁷/HR
 TOTAL PER LABOR HOUR: \$ 205.⁵⁸/HR

Labor Overtime

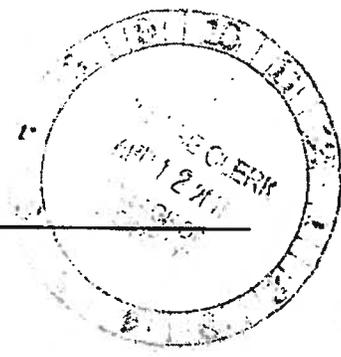
FOREMAN: \$ 117.⁵⁷/HR
 SKILLED LABOR: \$ 102.²¹/HR
 COMMON LABOR: \$ 88.⁶¹/HR
 TOTAL PER LABOR HOUR: \$ 308.³⁹/HR

Equipment:

Cost Per Hour

List any Equipment Substitutions/Cost

Equipment:	<u>Cost Per Hour</u>	<u>List any Equipment Substitutions/Cost</u>
AERIAL TOWER	\$ <u>39.76</u>	-
CLAM	\$ <u>45.42</u>	-
LOG TRUCK	\$ <u>45.42</u>	-
CHIPPER	\$ <u>17.05</u>	-
CHIPPER TRUCK	\$ <u>17.05</u>	-
STUMPER	\$ <u>28.43</u>	-
SEMI	\$ <u>45.42</u>	-
DUMP DISPOSAL	\$ <u>8.55/cyd</u>	-
PICKUP TRUCK	\$ <u>5.72</u>	-
CRANE	\$ <u>103.⁰⁰</u>	-



CONTRACTOR Steve Piper & Sons, Inc.

5. c. BIDDER will complete the Work for the following price(s) from May 1, 2012 through April 30, 2013:

TIME & MATERIAL BASIS FOR AUTHORIZED EMERGENCY WORK
HOURLY RATES FOR EMERGENCY PURPOSES

Labor Regular time

FOREMAN/
qualified arborist: \$ 80.73/HR
 SKILLED LABOR: \$ 70.17/HR
 COMMON LABOR
/qualified personnel: \$ 60.84/HR
**TOTAL PER
LABOR HOUR: \$ 211.74/HR**

Labor Overtime

FOREMAN
Q/A \$ 121.10/HR
 SKILLED LABOR: \$ 105.25/HR
 COMMON LABOR/
qualified personnel: \$ 91.27/HR
**TOTAL PER
LABOR HOUR: \$ 317.65/HR**

Equipment:	Cost Per Hour	List any Equipment Substitutions/Cost
AERIAL TOWER	\$ <u>40.95</u>	-
CLAM	\$ <u>46.78</u>	-
LOG TRUCK	\$ <u>46.78</u>	-
CHIPPER	\$ <u>17.56</u>	-
CHIPPER TRUCK	\$ <u>17.56</u>	-
STUMPER	\$ <u>29.28</u>	-
SEMI	\$ <u>46.78</u>	-
DUMP DISPOSAL	\$ <u>8.81/cyd</u>	-
PICKUP TRUCK	\$ <u>5.89</u>	-
CRANE	\$ <u>106.09</u>	-

A-6L

To: Steve Jones, Village Manager
From: Joe Caracci, Public Works Director
Date: April 12, 2010
Re: FY11 Forestry Consultant Contract



Background

Since the inception of the Tree Preservation Ordinance (TPO), the Village has hired a consulting forester to perform the duties involved with upholding the Ordinance. Typical duties include the review of tree preservation plans, various onsite inspections (including tree fence installation inspections, spot compliance inspections and final site inspections), and final project closeout/refund of deposit reviews. The forestry consultant also responds to any inquiries from the developer or neighbors during the project and offers his expert analysis of conflicts in the field. Funding for the services of the forestry consultant are reserved in the Public Works Operations (General Fund) budget under Professional Services Other, however, each developer / permit holder is charged directly for his services through the permit process. In essence, the contract is a pass through contract. The Village pays the contractor through the General Fund for the work they do and the General Fund is reimbursed through the permit fees / deposits / escrows.

Issues

Osage Consulting (Dave Coulter) has been performing this service for the Village of Glen Ellyn since 2000. Dave has performed this duty admirably for the past 10 years and has become a part of our extended Public Works Team. Dave is knowledgeable in the details of our TPO and has assisted in developing the proposed changes to the TPO that will be presented to the Environmental Commission (and eventually the Village Board) in the coming months.

Osage was asked to submit a proposal for the upcoming FY11 contract. Osage has once again offered to maintain his current price structure with no increases in fees. This is the sixth time (in ten years) that this offer has been extended. Osage performs similar duties in the City of Geneva. His proposed rates are lower than similar contracts in other towns. I feel continuing our relationship with Osage Consulting will be cost beneficial to our Village residents as his fees are low and his familiarity and experience with Glen Ellyn will require limited oversight.

Funding in the amount of \$15,000 is reserved for this contract in the Public Works Operations budget (General Fund). With the downturn in the development market, we have seen a reduction in the work that Osage has done for Glen Ellyn in the past two years. We estimate expenses on this contract for last fiscal year will end up around \$10,000. With a hopeful

increase in development in 2010/2011, we seek an upper limit approval of \$15,000. All unused funding is returned at the end of the fiscal year.

Action Requested

1. Motion to approve award of contract for 2010 - 2011 Forestry Consulting Services to Osage Consulting, of Oak Park, IL in the not-to-exceed amount of \$15,000 to be expensed to the FY 10 – 11 Public Works – Operations (General Fund).

Recommendation

I recommend approval of the contract.

Attachments

- Memorandum dated March 18, 2010 (with attachments) authored by Village Forester Peggy Drescher

Interoffice Memorandum

to: Joseph M. Caracci, Public Works Director
from: Peggy Drescher, Village Forester
subject: FY10/11 Forestry Consulting Services – Recommendation
date: March 18, 2010

In December of 1998 the Village Board adopted regulations regarding the protection of private and public trees during construction activities (Tree Preservation Ordinance – TPO). The regulations required parties developing property to prepare a tree preservation plan if trees are going to be saved as part of the development. In March of 2000, Osage Consulting was awarded a contract to review and process the Tree Preservation Plans. Osage Consulting has provided Tree Preservation Plan review on an annual basis and has done an excellent job.

The Plan Review Process is shown below:

1. Receipt and review of tree preservation plans in office.
2. Field inspection. (25-30% of the time Consultant will meet with the applicant before or after the initial field review)
3. Transmit approved plan to applicant.
4. Consultant completes a fence/sign inspection before permit is issued.
5. Consultant inspects a portion of the uncompleted construction sites each week to enforce fence requirements and note violations.
6. The final step is to review in field for refund of deposit.

Our current contract with Osage expires April 30, 2010. Upon our request, Osage submitted a proposal to continue their services. Osage has kept their pricing structure the same as the past two years. I am satisfied with Osage's work and am recommending the Village Board award a new contract for this service. The proposed new contract will be for a one-year period ending April 30, 2011. The unit prices will remain the same through that entire period.

The following table shows the number of plans reviewed from April 1, 2009 to March 17, 2010. These numbers are used to develop a projected cost based on that same number of plans for 2010/11.

	# of Plans reviewed FY09/10	FY09/10 Unit Cost	FY09/10 Est. Cost
New Construction / Additions	30	\$145	\$4,350
Garage / Pool / Other	42	\$105	\$4,410
Totals	72		\$8,760

The preceding table accounts for routine plan reviews and inspections. It does not account for costs associated with multiple site visits to inspect complaints of non-conformance or other special requests made by either Public Works staff or Planning and Development Staff.

Based on the above, I recommend the Village of Glen Ellyn award the FY 2010/11 Forestry Consulting Services Contract to Osage Consulting of Oak Park, Illinois in the amount of \$15,000. This contract should be charged to the FY10/11 General Fund account #143200 521055 in the amount of \$15,000.

Cc: Dave Buckley, Assistant Public Works Director
Staci Hulseberg, Director of Planning & Development
Joe Kvapil, Building and Zoning Official

throughout the Village. The anticipated life of a pavement marking is three years. Due to recent revenue losses and general economic conditions our pavement marking program has been drastically reduced and deferred over the past three years. Our goal is to get back on track with a catch up year completing our asphalt program (\$45,000) from last year and our scheduled concrete pavement marking program (\$45,000).

9. **Maintenance - Traffic Signals: (\$20,000)** Provides \$13,000 for maintenance costs shared with IDOT for traffic signals at Baker Hill/Roosevelt Road, Pershing Avenue/Route 53, DuPage Blvd./Route 53, and Spring Avenue/Route 53 intersections. IDOT pays 100% of the maintenance costs of all other signals on state roads. DuPage County is responsible for signals on Geneva and St. Charles Roads. Also includes \$7,000 for contract and in-house maintenance of six signalized intersections, six flashing lights at three locations in the CBD, a flashing signal at Hill/Golf (Glen Oak CC), and the Opticom emergency vehicle traffic signal override system equipment.
10. **Maintenance – Streetlights: (\$45,000)** Provides for contract electrical maintenance services (\$20,000) and streetlight parts (\$25,000) necessary to maintain more than 700 lights and posts throughout Glen Ellyn. Streetlight maintenance continues to be a large proportion of the Operations Division workload each year as more lights are added in several locations.
11. **Professional Services/Other: (\$21,000)** Includes \$3,000 for weather forecasting and monitoring, \$15,000 for Consulting Forester charges related to Tree Protection Ordinance enforcement, and \$3,000 for electrical contractor services.
12. **CBD Appearance: (\$40,500)** Amount shown includes: \$27,300 for material costs for three seasonal CBD flower plantings, \$1,200 for American flags, \$4,000 for seasonal floral clock displays, and \$4,000 for miscellaneous needs to improve the CBD appearance. Also this year we look to replace 4 permanent planters/pots near the flower clock (\$4,000).
13. **Professional Services/Snow Removal: (\$20,000)** Provides for contracted snow removal primarily from the CBD (Central Business District) and disposal at Ackerman Park and/or the Village Green Parking Lot on Lambert Road.
14. **Tree Trimming: (\$50,000)** Funds contractor trimming of parkway trees 10" Diameter Breast Height (DBH) and larger through our winter pruning program. DBH is the measurement of a tree's diameter at a height of four and one half feet above the ground. Due to budget cutbacks, last year's program was reduced and covered only half of the intended Zone E trees. The 2010-2011 Program will include all trees east of Park, west of Bryant, north of Fairview and south of the UPRR. Estimated quantities are 730 trees (contracted @ \$50,000) and 460 trees (performed in-house @ \$0).
15. **Tree Removal: (\$83,000)** Provides for contractor removal (\$70,000) of approximately 100 trees of 15" diameter and larger. This year we also will begin to utilize the tree contractor to remove contractor stumps (\$13,000) generated between the months of November and



March 11, 2010

Ms. Peggy Drescher
Village Forester
Village of Glen Ellyn
30 South Lambert Road
Glen Ellyn, IL 60137

Dear Ms. Drescher,

Thank you for the opportunity to provide this proposal of consultation services for your review. For the 2010 – 2011 fiscal year, I will not be raising my rates or changing terms from the existing contract. As always, thank you very much for your consideration. It is a pleasure working with the Village of Glen Ellyn and I look forward to our continued association. The rates are as follows:

Job Name: The Village of Glen Ellyn / Professional Forestry Consultant Services

Proposed Services:

Review and process tree preservation plans submitted in support of building permit applications and new development, as directed by the Planning and Development Department. Work shall include review of plans, field inspections, and report submittal. The term of the contract shall run from 5/1/2010 through 4/30/2011

Payment Schedule

All labor, equipment, and material needed for performing the Proposed Services shall be provided at the following listed rates. Any work performed above and beyond the scope of this proposal will be done at the request of The Village of Glen Ellyn, at Time and Material rates.

A. Plan Review & Planned Field Inspections for Single Lots

- | | |
|-------------------------|---------------|
| 1. Garage/Pool/Other | \$105.00/each |
| 2. Addition | \$145.00/each |
| 3. Demolition/New House | \$145.00/each |
| 4. New House | \$145.00/each |

B. Plan Review & Planned Field Inspections for Subdivisions & Planned Unit Developments

\$75.00/hour

C. Subsequent Field Inspections \$20.00/each

P.O. Box 3144
Oak Park, IL 60303-3144
Phone 708-359-7209
osage59@ameritech.net
WWW.OSAGEGROUP.COM

D. Unplanned Field Inspections – Emergency Complaints \$75.00/each

E. Meetings with Village Staff \$75.00/hour

Terms and Conditions

Payment. Payment is due 30 days after receipt of invoice. Amounts not paid when due shall bear interest at the rate of one and one-half percent (1-1/2%) per month from the date the payment became due until the account is fully paid.

Cancellation. This proposal may be terminated, by either party, without cause, upon sixty (60) days prior written notice to the other.

Indemnification. You agree to indemnify, defend and hold harmless from any losses, liabilities, damages and costs (including attorney's fees and court costs) suffered or sustained by Osage, Inc. as a result of your breach of the contract or your actions of your invitees, employees and agents.

The Village of Glen Ellyn

By: _____

Date:

OSAGE, Inc.

By: _____

Dave Conlter

Date: March 11, 2010

File: VGE2010-11TPR#0000a1

A-6M



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: April 12, 2010

Re: FY11 Landscape Maintenance Contract (Year 2 of 3)

Background

One of the responsibilities of the Public Works Department is to provide landscape maintenance services to all Village owned properties. These properties include areas like the Civic Center, Reno Center, Fire Stations, Water Facilities, and numerous other parcels and islands spread out around the Village limits. Public Works utilizes a contractor to perform these duties on all our properties with the exception of secured water pumping / storage facilities. Utilizing a contractor allows our front-line crews to focus on other core maintenance activities. Funding is set aside in a number of funds to account for landscape maintenance (General Fund, Water Fund, Parking Fund, Fire Company Fund, and Historical Society Fund).

Issues

In April 2009, a tree year contract was approved with Earthcare, Inc., of West Chicago to perform these duties. The nature of the contract calls for annual renewal based on satisfactory work. Earthcare successfully performed their duties in 2009 and we are in a position to award the second year of the contract. The value of the contract is \$64,500. With a 10% contingency, we recommend approval in the amount of \$71,000 with funding coming from a variety of funds as listed below:

Fund	Account Number	Amount
General Fund – PW Operations	143200 – 520970	\$41,400
Water Fund	50100 – 520970	\$11,300
Parking Fund	530000 – 520970	\$10,400
Fire Company Fund	135000 – 520970	\$2,100
Special Programs Fund (Historical Society)	224000 – 520970	\$5,800

Action Requested

1. Motion to approve the second year of a three year contract with Earthcare, Inc. for the 2010 Landscape Maintenance contract in the not-to-exceed amount of \$71,000 (including a 10% contingency) to be expensed to the FY 10 – 11 General, Water, Special Programs, Parking, and Fire Company Funds.

Recommendation

I recommend approval of the contract.

Attachments

- Memorandum dated April 8, 2010 (with attachments) authored by Village Forester Peggy Drescher

Interoffice Memorandum

to: Joseph M. Caracci, Public Works Director
from: Peggy Drescher, Village Forester
subject: Recommendation for 2010 Landscape Maintenance Contract – Year 2
date: April 8, 2010

For a number of years we have used a private contractor to perform landscape maintenance work at various locations owned by the Village of Glen Ellyn. The scope of work consists of maintenance of turf and landscape beds at the train station, flower clock, fire station, Reno center, and Roosevelt Road to name a few. Last year we added twenty-two other Village owned properties such as islands and parcels that were mowed by Village staff. Completing the work by private contractor allows the full time staff to focus on the core maintenance activities related to streets, trees, signs and utilities.

Last year we received proposals to perform landscape maintenance work for a three year period concluding in 2011. The first year of the three year contract was awarded to Earthcare, Inc. of West Chicago in April 2009. We were satisfied in the work performed by Earthcare last year and are now in a position to recommend execution of year 2 of that contract.

I am recommending that we award the second year of the contract for Landscape Maintenance to Earth Care, Inc. of West Chicago in a not to exceed amount of \$71,000 (which includes a 10% contingency). The second year of the contract will run from April 1, 2010 through November 31, 2010. The Village will reserve the right to cancel the contract or extend the contract for an additional year as stated in the specifications.

Funding for the contract would be assigned to the following FY10/11 accounts.

Fund	Account Number	Amount
General Fund – PW Operations	143200 – 520970	\$41,400
Water Fund	50100 – 520970	\$11,300
Parking Fund	530000 – 520970	\$10,400
Fire Company Fund	135000 – 520970	\$2,100
Special Programs Fund (Historical Society)	224000 – 520970	\$5,800

cc. Dave Buckley, Assistant Public Works Director
Bob Greenberg, Project Coordinator

VILLAGE OF GLEN ELLYN LANDSCAPE MAINTENANCE SERVICES

PROPOSAL FORM - EXPANDED LANDSCAPE MAINTENANCE AREAS 2010 SEASON

CONTRACTOR:

Location	1 N 304 STACY COURT			AMY COURT DETENTION		
Activity	Quantity	Unit Cost	Extension	Quantity	Unit Cost	Extension
SPRING CLEANUP	1	\$189.00	\$189.00	1	\$114.00	\$114.00
TURF MOWING / TRIMMING	32	\$57.00	\$1,824.00	32	\$57.00	\$1,824.00
ADD MULCH	1	\$195.00	\$195.00	NA		
FRESHEN MULCH	1	\$75.00	\$75.00	NA		
WEEDING - LUMP SUM	1	\$75.00	\$75.00	NA		
SHRUB / PERENNIAL MAINTENANCE - LUMP SUM	1	\$500.00	\$500.00	NA		
CORE AERATION	1	\$150.00	\$150.00	NA		
FALL CLEANUP	1	\$210.00	\$210.00	1	\$126.00	\$126.00
TURF FERTILIZATION / HERBICIDE	3	\$144.00	\$432.00	NA		
ANNUAL TOTAL			\$3,650.00	ANNUAL TOTAL		\$2,064.00

Location	439 COTTAGE AVENUE			GLENBARD ROAD DETENTION		
Activity	Quantity	Unit Cost	Extension	Quantity	Unit Cost	Extension
SPRING CLEANUP	1	\$246.00	\$246.00	1	\$168.00	\$168.00
TURF MOWING / TRIMMING	32	\$57.00	\$1,824.00	32	\$57.00	\$1,824.00
ADD MULCH	1	\$650.00	\$650.00	NA		
FRESHEN MULCH	1	\$126.00	\$126.00	NA		
WEEDING - LUMP SUM	1	\$126.00	\$126.00	NA		
SHRUB / PERENNIAL MAINTENANCE - LUMP SUM	1	\$75.00	\$75.00	1	\$126.00	\$126.00
CORE AERATION	NA			NA		
FALL CLEANUP	1	\$246.00	\$246.00	1	\$168.00	\$168.00
TURF FERTILIZATION / HERBICIDE	NA			NA		
ANNUAL TOTAL			\$3,293.00	ANNUAL TOTAL		\$2,286.00

VILLAGE OF GLEN ELLYN LANDSCAPE MAINTENANCE SERVICES

PROPOSAL FORM - EXPANDED LANDSCAPE MAINTENANCE AREAS 2010 SEASON

Location	COMMUTER TRAIN STATION			STEWART LOT		
Activity	Quantity	Unit Cost	Extension	Quantity	Unit Cost	Extension
SPRING CLEANUP	1	\$380.00	\$380.00	1	\$228.00	\$228.00
TURF MOWING / TRIMMING	32	\$52.50	\$1,680.00	32	\$40.00	\$1,280.00
ADD MULCH	1	\$650.00	\$650.00	1	\$360.00	\$360.00
FRESHEN MULCH	1	\$252.00	\$252.00	1	\$152.00	\$152.00
WEEDING - LUMP SUM	1	\$189.00	\$189.00	1	\$304.00	\$304.00
SHRUB / PERENNIAL MAINTENANCE - LUMP SUM	1	\$294.00	\$294.00	1	\$152.00	\$152.00
CORE AERATION	1	\$75.00	\$75.00	NA		
FALL CLEANUP	1	\$532.00	\$532.00	1	\$304.00	\$304.00
TURF FERTILIZATION / HERBICIDE	3	\$51.33	\$153.99	NA		
ANNUAL TOTAL			\$4,205.99	ANNUAL TOTAL		\$2,780.00

Location	535 DUANE STREET			TAYLOR AVENUE BRIDGE		
Activity	Quantity	Unit Cost	Extension	Quantity	Unit Cost	Extension
SPRING CLEANUP	1	\$168.00	\$168.00	1	\$126.00	\$126.00
TURF MOWING / TRIMMING	32	\$38.00	\$1,216.00	32	\$28.12	\$899.84
ADD MULCH	1	\$300.00	\$300.00	1	\$120.00	\$120.00
FRESHEN MULCH	1	\$126.00	\$126.00	1	\$80.00	\$80.00
WEEDING - LUMP SUM	1	\$126.00	\$126.00	1	\$100.00	\$100.00
SHRUB / PERENNIAL MAINTENANCE - LUMP SUM	1	\$252.00	\$252.00	1	\$168.00	\$168.00
CORE AERATION	1	\$90.00	\$90.00	NA		
FALL CLEANUP	1	\$304.00	\$304.00	1	\$160.00	\$160.00
TURF FERTILIZATION / HERBICIDE	3	\$60.00	\$180.00	NA		
ANNUAL TOTAL			\$2,762.00	ANNUAL TOTAL		\$1,653.84

VILLAGE OF GLEN ELLYN LANDSCAPE MAINTENANCE SERVICES

PROPOSAL FORM - EXPANDED LANDSCAPE MAINTENANCE AREAS 2010 SEASON

Location	SPICELY PARK			800 & 814 NORTH MAIN STREET		
Activity	Quantity	Unit Cost	Extension	Quantity	Unit Cost	Extension
SPRING CLEANUP	1	\$84.00	\$84.00	1	\$126.00	\$126.00
TURF MOWING / TRIMMING	32	\$23.44	\$750.08	32	\$40.00	\$1,280.00
ADD MULCH	1	\$120.00	\$120.00	NA		
FRESHEN MULCH	1	\$42.00	\$42.00	NA		
WEEDING - LUMP SUM	1	\$65.00	\$65.00	1	\$114.00	\$114.00
SHRUB / PERENNIAL MAINTENANCE - LUMP SUM	1	\$126.00	\$126.00	1	\$168.00	\$168.00
CORE AERATION	1	\$50.00	\$50.00	NA		
FALL CLEANUP	1	\$168.00	\$168.00	1	\$168.00	\$168.00
TURF FERTILIZATION / HERBICIDE	3	\$50.00	\$150.00	NA		
ANNUAL TOTAL			\$1,555.08	ANNUAL TOTAL		\$1,856.00

Location	30 SOUTH LAMBERT ROAD			ROUTE 38 (ROOSEVELT RD) CORRIDOR SELECTED LOCATIONS		
Activity	Quantity	Unit Cost	Extension	Quantity	Unit Cost	Extension
SPRING CLEANUP	1	\$168.00	\$168.00	1	\$152.00	\$152.00
TURF MOWING / TRIMMING	32	\$50.00	\$1,600.00	32	\$55.00	\$1,760.00
ADD MULCH	1	\$200.00	\$200.00	1	\$540.00	\$540.00
FRESHEN MULCH	1	\$76.00	\$76.00	1	\$120.00	\$120.00
WEEDING - LUMP SUM	1	\$168.00	\$168.00	1	\$150.00	\$150.00
SHRUB / PERENNIAL MAINTENANCE - LUMP SUM	1	\$168.00	\$168.00	1	\$168.00	\$168.00
CORE AERATION	1	\$60.00	\$60.00	NA		
FALL CLEANUP	1	\$240.00	\$240.00	1	\$152.00	\$152.00
TURF FERTILIZATION / HERBICIDE	3	\$100.00	\$300.00	NA		
ANNUAL TOTAL			\$2,980.00	ANNUAL TOTAL		\$3,042.00

VILLAGE OF GLEN ELLYN LANDSCAPE MAINTENANCE SERVICES

PROPOSAL FORM - EXPANDED LANDSCAPE MAINTENANCE AREAS 2010 SEASON

Location	MAIN STREET FLOWER CLOCK			MAIN / PENNSYLVANIA PARKING LOT		
Activity	Quantity	Unit Cost	Extension	Quantity	Unit Cost	Extension
SPRING CLEANUP	1	\$120.00	\$120.00	1	\$168.00	\$168.00
TURF MOWING / TRIMMING	NA			32	\$20.00	\$640.00
ADD MULCH	1	\$120.00	\$120.00	1	\$480.00	\$480.00
FRESHEN MULCH	1	\$75.00	\$75.00	1	\$126.00	\$126.00
WEEDING - LUMP SUM	1	\$75.00	\$75.00	1	\$160.00	\$160.00
SHRUB / PERENNIAL MAINTENANCE - LUMP SUM	1	\$75.00	\$75.00	1	\$240.00	\$240.00
CORE AERATION	NA			NA		
FALL CLEANUP	1	\$126.00	\$126.00	1	\$168.00	\$168.00
TURF FERTILIZATION / HERBICIDE	NA			NA		
ANNUAL TOTAL			\$591.00	ANNUAL TOTAL		\$1,982.00

Location	MONTCLAIR PARKING LOT			FIVE CORNERS AREA LANDSCAPING BEDS		
Activity	Quantity	Unit Cost	Extension	Quantity	Unit Cost	Extension
SPRING CLEANUP	1	\$128.00	\$128.00	1	\$160.00	\$160.00
TURF MOWING / TRIMMING	NA			NA		
ADD MULCH	1	\$240.00	\$240.00	1	\$180.00	\$180.00
FRESHEN MULCH	1	\$120.00	\$120.00	1	\$110.00	\$110.00
WEEDING - LUMP SUM	1	\$120.00	\$120.00	1	\$120.00	\$120.00
SHRUB / PERENNIAL MAINTENANCE - LUMP SUM	1	\$160.00	\$160.00	1	\$126.00	\$126.00
CORE AERATION	NA			NA		
FALL CLEANUP	1	\$160.00	\$160.00	1	\$160.00	\$160.00
TURF FERTILIZATION / HERBICIDE	NA			NA		
ANNUAL TOTAL			\$928.00	ANNUAL TOTAL		\$856.00

VILLAGE OF GLEN ELLYN LANDSCAPE MAINTENANCE SERVICES

PROPOSAL FORM - EXPANDED LANDSCAPE MAINTENANCE AREAS 2010 SEASON

Location	STACY'S TAVERN					
Activity	Quantity	Unit Cost	Extension			
SPRING CLEANUP	1	\$168.00	\$168.00			
TURF MOWING / TRIMMING	32	\$30.00	\$960.00			
ADD MULCH	1	\$180.00	\$180.00			
FRESHEN MULCH	1	\$75.00	\$75.00			
WEEDING - LUMP SUM	1	\$126.00	\$126.00			
SHRUB / PERENNIAL MAINTENANCE - LUMP SUM	1	\$168.00	\$168.00			
CORE AERATION	NA					
FALL CLEANUP	1	\$168.00	\$168.00			
TURF FERTILIZATION / HERBICIDE	3	\$45.00	\$135.00			
ANNUAL TOTAL			\$1,980.00	ANNUAL TOTAL		

Location						
Activity						
SPRING CLEANUP						
TURF MOWING / TRIMMING						
ADD MULCH						
FRESHEN MULCH						
WEEDING - LUMP SUM						
SHRUB / PERENNIAL MAINTENANCE - LUMP SUM						
CORE AERATION						
FALL CLEANUP						
TURF FERTILIZATION / HERBICIDE						
ANNUAL TOTAL				ANNUAL TOTAL		

2010 SEASON - GRAND TOTAL - ALL LOCATIONS

\$38,464.91

PROPOSAL FORM- BASIC MOWING MAINTENANCE 2010

4. Contractor EARTH CARE INC will complete the work for the following prices for mowing services at the following locations: Note – not all locations will be mowed weekly, some will be mowed on an every other week or monthly basis. Please identify the cost on a per mowing basis

	Cost Per Mowing Service
1. Vacant lot at dead-end of Brandon next to Beijing Restaurant	\$ <u>40.</u>
2. Village R-O-W lot next to McDonald's on Taft	\$ <u>30.</u>
3. Summerdale/Parkside Triangle	\$ <u>30</u>
4. Islands in Raintree	\$ <u>70</u>
5. Parkway at Glencrest & Danby Rd	\$ <u>25</u>
6. Parkway on North side of Glenbard Road	\$ <u>25</u>
7. Parkway on South side of DuPage	
End of S. Milton at Marston (also weed eat)	\$ <u>25</u>
8. Vacant lot at Grove & Lombard	\$ <u>20</u>
9. Triangle at Briar & Surrey	\$ <u>20.</u>
10. Island at Spring & Oxford	\$ <u>25.</u>
11. Corner of Scott & Abbotsford	\$ <u>25.</u>
12. Lot at Scott & Roslyn and Retention area parkway (hand mow by river)	\$ <u>40</u>
13. Island at Spring & Waverly	\$ <u>25</u>
14. Walnut Parkway (DON'T MOW PRAIRIE PATH/GRASS')	\$ <u>35</u>
15. Eastern, south of St. Charles (along east side of street)	\$ <u>25</u>
16. Lenox, North of St. Charles to first house (both sides of road)	\$ <u>40</u>
17. Volunteer Park (Prospect & Pennsylvania)	\$ <u>25</u>
18. Two parkway areas at Glenwood lot (on Prospect. just N of tracks)	\$ <u>25</u>
19. Behind benches on Main Street by Citibank	\$ <u>15</u>
20. Parkway at 400 Duane St. (Commuter Lot) and Prairie Path along 400 Duane.	\$ <u>100.00</u>
21. 820 Main St	\$ <u>25.00</u>
22. 549 Dorset – vacant lot west of this address	\$ <u>25.00</u>
Total for all locations	\$ <u>705</u>



File

Village President
Vicky Hase

May 20, 2009

Don Kuhn
Earth Care, Inc.
1010 Town Rd.
West Chicago, IL 60137

Trustees
Timothy A. Armstrong
Mary Jane Chapman
Jim Comerford
Peter F. Ladesic
Peter Norton
Michelle Z. Thorsell

RE: Letter of Acceptance – Landscape Maintenance

Village Manager
Steve Jones

Dear Don,

Based on additional properties identified after receipt of the RFP, Earth Care agrees to perform the following additional service as defined on the attached sheets. If you are agreeable to these terms, please sign and date below and return to me.

Sincerely,

Peggy Drescher, Village Forester

Civic Center
535 Duane Street
Glen Ellyn, IL 60137
(630)469-5000
Fax (630)469-8849
Website: www.glenellyn.org

Accepted by:

Village of Glen Ellyn
Earth Care, Inc.

Police Department
535 Duane Street
(630)469-1187
Fax (630)469-1861

5/21/09
Date

5/27/09
Date

Public Works Department
30 South Limestone Road
(630)469-6756
Fax (630)469-3128

PROPOSAL FORM- BASIC MOWING MAINTENANCE 2009

4 Contractor EARTH CARE INC. will complete the work for the following prices for mowing services at the following locations Note - not all locations will be mowed weekly. some will be mowed on an every other week or monthly basis Please identify the cost on a per mowing basis

		Cost Per Mowing Service
1280	1 Vacant lot at dead-end of Brandon next to Beijing Restaurant	\$ <u>40</u>
940	2 Village R-O-W lot next to McDonald s on Taft	\$ <u>30</u>
940	3 Summerdale/Parkside Triangle	\$ <u>30</u>
1920	4 Islands in Raintree	\$ <u>60</u>
800	5 Parkway at Glencrest & Danby Rd	\$ <u>25</u>
800	6 Parkway on North side of Glenbard Road	\$ <u>25</u>
	7 Parkway on South side of DuPage	
800	End of S Milton at Marston (also weed eat)	\$ <u>25</u>
640	8 Vacant lot at Grove & Lombard	\$ <u>20</u>
640	9 Triangle at Briar & Surrey	\$ <u>20</u>
800	10 Island at Spring & Oxford	\$ <u>25</u>
800	11 Corner of Scott & Abbotsford	\$ <u>25</u>
1280	12 Lot at Scott & Roslyn and Retention area parkway (hand mow by river)	\$ <u>40</u>
800	13 Island at Spring & Waverly	\$ <u>25</u>
1120	14 Walnut Parkway (DON'T MOW PRAIRIE PATH/GRASS)	\$ <u>35</u>
800	15 Eastern south of St Charles (along east side of street)	\$ <u>25</u>
1280	16 Lenox North of St. Charles to first house (both sides of road)	\$ <u>40</u>
800	17 Volunteer Park (Prospect & Pennsylvania)	\$ <u>25</u>
800	18 Two parkway areas at Glenwood lot (on Prospect just N of tracks)	\$ <u>25</u>
480	19 Behind benches on Main Street by Citibank	\$ <u>15</u>
3200	20 Parkway at 400 Duane St. (Commuter Lot) and Prairie Path along 400 Duane	\$ <u>100.00</u>
800	21 820 Main St	\$ <u>25.00</u>
800	22 549 Dorset - vacant lot west of this address	\$ <u>25.00</u>

Firehouse # 2 \$50

553 St Charles \$25 ^{\$ Total for all locations}

Pennsylvania Row \$50

\$ 705.00

A-6N



To: Steve Jones, Village Manager
From: Joe Caracci, Public Works Director
Date: April 12, 2010
Re: FY11 Pavement Saw-Cutting

Background

The Public Works Department performs over 100 excavations annually that range from water main repairs to sanitary sewer repairs to storm sewer structure modifications. In order to limit the size of the excavations and reduce damage to pavement, the roadways are saw-cut prior to digging. Many of our roadways have cross sections that include 2-8 inches of asphalt with some on top of 4-6 inches of concrete. In order to effectively saw-cut the pavement, specialized saws are utilized. These saws have numerous types of blades (depending on material) and vary in size (from 24 – 48 inches in diameter). Public Works annually hires a contractor to perform these duties. Funds are set aside in our Water (\$10,000) and Sewer Funds (\$10,000) to accommodate this contract.

Issues

Request for Proposals (RFP) was advertised in the March 24, 2010 edition of the Daily Herald. Six proposals were received and opened April 6, 2010 for the program. These proposals were evaluated internally and weighed heavily on the unit price for "Three Hour Minimum Callout". The vast majority of our use of this contract falls under this category. Based on the proposals and past experience, Elite Concrete of Sugar Grove provides the best service at the best cost. Elite Concrete has provided saw-cutting services for Public Works since 2005. They have an excellent track record with us and routinely complete their work within the 3 hour minimum. Their cuts are clean, accurate and where they are supposed to be. As this is a unit price contract with unknown quantities, we recommend award of a contract utilizing the full budgeted amount of \$20,000, equally split between the Water and Sewer Funds.

Action Requested

1. Motion to waive competitive bidding and approve award of contract for the 2010 - 2011 Concrete Saw-Cutting Program to Elite Concrete of Sugar Grove, IL in the not-to-exceed amount of \$20,000 to be expensed to the FY 10 – 11 Water and Sanitary Sewer Fund.

As this action involves the waiving of competitive bidding, a two-thirds (2/3) approval is necessary.

Recommendation

I recommend approval of the contract.

Attachments

- Memorandum dated April 6, 2010 (with attachments) authored by Assistant Public Works Director Dave Buckley

Interoffice Memorandum

to: Joseph Caracci, Public Works Director
from: David Buckley, Assistant Public Works Director
subject: Pavement Saw Cutting Services Contract - RFP Award Recommendation
date: April 8, 2010

The Public Works Operations Division performs in excess of 100 excavations per year. Many of the excavations require the pre-cutting of curbs and pavement surfaces to ease the process of pavement removal and to limit the area of pavement damaged by heavy excavation equipment. These cuts are done with large self-propelled industrial sized saws that frequently have blade sizes from 24" to 48" in diameter.

On March 24, 2010 a legal notice was published in the Daily Herald soliciting proposals from prospective contractors. Request for Proposal packets were provided to fourteen pavement saw-cutting contractors. On April 6, 2010, six proposals were opened at the Village of Glen Ellyn Civic Center. The proposal tabulation spread sheet is attached for your review.

The spread sheet shows Elite Concrete as the lowest bidder in the "Three Hour Minimum Callout". The vast majority of the saw cutting services fall under this category. The definition of a "Three (3) Hour Minimum Callout" as stated in the proposal documents includes travel time to and from the job site, along with set-up and breakdown of equipment, and all required saw cuts. Elite is our current contractor, and has an excellent track record of getting to the job site in a timely manner, performing the work, and returning to their shop within the three hours allotted.

Elite has provided excellent service to Public Works 24 hours a day, seven days a week since 2005. Based on the above analysis and history, it is my recommendation that the Village of Glen Ellyn award this contract to Elite Concrete Cutting, Inc. of Sugar Grove, Illinois. The FY 10-11 budget provides \$10,000 in the Water Fund, line item #50100-521055; and \$10,000 in the Sewer Fund, line item #50200-521055, for a total of \$20,000.

OPERATIONS DIVISION – SEWER FUND
BUDGET FOOTNOTES

1. **Salaries - FT: (\$385,000)** Provides for one-half (50%) of the salaries of the Project Coordinator, Senior Plant Operator, and Customer Service Worker. Also provides for a percentage (30%) of the sixteen members of our Operations Division that will be funded through the Operations – Water Fund budget.
2. **Temporary Help: (\$17,800)** Provides for a percentage (30%) of eight summer seasonal employees (12 weeks) and two extended seasonal (25 weeks) employees that work for the Operations Division of Public Works. Seasonal employees work on all aspects of Operations including performing maintenance on sewer structures, pipes, concrete, as well as catch basin and sanitary sewer cleaning.
3. **Bank Charges: (\$8,000)** Costs associated with the acceptance of credit cards as a form of payment at the Village Cashier's counter.
4. **Postage: (\$8,000)** Costs associated with the monthly Village utility bills are allocated to the Water (25%) and Sanitary Sewer (25%) Fund and the Residential Solid Waste Fund (50%).
5. **Maintenance / ROW: (\$75,000)** Provides for restoration of streets and parkways disturbed during system repairs. This includes \$45,000 for the Sewer portion of the concrete restoration contract, \$3,000 for landscape materials, and \$27,000 for the sewer portion of the material hauling contract for spoil removal and stone delivery.
6. **Professional Services / Other: (\$77,200)** Includes the cost of various types of services and studies provided by contractors and consultants. Provides: \$20,000 for emergency repairs to sanitary sewer mains that are deeper than Public Works equipment can safely reach; \$10,000 for pavement saw cutting contract; \$1,000 for root pruning prior to excavations; \$5,000 for lift station maintenance; \$3,000 for electrical maintenance; \$1,200 for maintenance to the 40 KW auxiliary electric generator; \$4,000 for cleaning the 4 vortex separators at Lake Ellyn; \$15,000 for bacteria treatments to our sanitary sewer system; and \$10,000 for emergency power rodding and televising. An additional \$8,000 is included in this line item for costs to contract the outside printing and mailing of more than 100,000 utility bills annually.
7. **Glenbard Wastewater Authority (GWA): (\$3,000,000)** Funds treatment of approximately 1.9 billion gallons of wastewater from Glen Ellyn, Illinois American, and a small portion of unincorporated DuPage County south of North Avenue. Glen Ellyn contributes about 48% of total GWA costs with the Village of Lombard contributing the remaining 52% based on their respective waste water flow received at the Glenbard facility.
8. **Service Line Maintenance: (\$65,000)** This is an account designed to assist residents with a 50-50 share cost of repairs to sanitary service lines under Village streets and/or within 10' of

Operations Division - Water Fund

9. **Maintenance / Other: (\$10,000)** Provides for all materials for water main and service line repairs. Examples include copper tubing, b-boxes, brass fittings, repair clamps, couplers and fittings.

10. **Professional Services / Other: (\$63,700)** Captures the cost of various types of services and studies provided by contractors and consultants. Provides: \$8,000 for water leak location assistance connected with suspected water main breaks; \$5,000 for emergency water main break repairs; \$10,000 for concrete saw cutting; \$4,500 for editing and printing of the Illinois Environmental Protection Agency required annual water quality consumer confidence report; \$2,000 for root pruning prior to excavating to minimize damage to adjacent tree root structures; \$4,000 for traffic control device rental; \$6,500 for chemical water analyses; \$4,500 for bacterial water analyses; \$2,000 for training and implementation of CarteGraph WaterView (water asset management / preventative maintenance); \$8,000 for electrical maintenance and \$1,200 for maintenance to auxiliary electric generators, \$8,000 for outsourcing the printing and distribution of more than 100,000 water bills annually.



11. **Debt Service / Abate Levy: (\$0)** Transfer to the Debt Service Fund to reduce the levy for bond re-payments paid by property taxes for the 1987 \$15 million General Obligation referendum bonds, a commitment of the Village Board prior to the 1987 bond referendum. The Village completed their obligation and no further transfer is necessary.

12. **Purchase of Water: (\$1,976,000)** The Village purchases its Lake Michigan water through the DuPage Water Commission. Water from the DWC is metered and billed to the Village monthly. The Water Commission sets the rates billed to its municipal customers annually and establishes a commodity or "O&M" rate based on the number of gallons purchased and also assesses a monthly "fixed cost" charge to pay for bonds issued to construct the DWC distribution system. The Village's cost of purchasing water from the Commission is expected to increase by over 22%, from \$1.70 to \$2.08 per 1,000 gallons. The Commission is passing through to its municipal members a three year, 50% City of Chicago rate increase for the sale of Lake Michigan water to the Water Commission plus an additional increase to cover an unexpected shortfall in operating cash reserves.

13. **Capital Projects: (FY09/10 Estimated Actual - \$1,651,000)** This line item contains capital improvement projects undertaken in the current fiscal year and continuing projects with significant payouts in this fiscal year.

Project Description	Estimated Cost
a. Parkside / Summerdale Reconstruction (#00802) – The water portion of the project funded the replacement of approximate 6,000 ft. of water mains on reconstructed roadways as well as on Forest and Dorset Avenue. Costs shown include construction plus field engineering.	\$8,000
b. East Panfish Basin (#00402) – Final payment to the developer of the Water's	\$12,000

2010-11 Pavement Saw Cutting Services						
Village of Glen Ellyn						
Proposal Tabulation						
Proposal Opening: 10:00AM April 6, 2010						
Company	Hard Rock Concrete Cutters	Preferred Construction	ProCut Concrete Sawing & Coring	Quality Saw & Seal, Inc	Elite Concrete Cutting Co.	Diamond Coring Co. Inc
Service						
3 Hr Min M-F (7am-5pm)	\$450.00	\$375.00	\$375.00	\$525.00	\$359.00	\$375.00
Hourly Rate after 3 hr min during normal hours	\$150.00	\$150.00	\$125.00	\$105.00	\$158.00	\$150.00
Hourly Rate after 3 hr min after normal hours	\$540.00	\$575.00	\$700.00	\$675.00	\$595.00	\$375.00
Hourly Rate after hours	\$180.00	\$200.00	\$175.00	\$145.00	\$198.00	\$180.00
3 Hr Min on Holidays	\$675.00	\$750.00	\$900.00	\$725.00	\$650.00	\$540.00
Hourly rate on Holidays	\$225.00	\$250.00	\$225.00	\$145.00	\$200.00	\$200.00
Inch per Foot Pricing (1000 linear feet or more)						
Inch per foot of Asphalt	\$0.10	\$0.20	\$0.17	\$0.13	\$0.10	\$0.13
Inch per foot of Concrete	\$0.16	\$0.30	\$0.25	\$0.17	\$0.15	\$0.18

A-60



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: April 12, 2010

Re: FY11 Material Hauling / Gravel Delivery Contract

Background

The Public Works Department accumulates spoil material through various activities performed throughout the year. The material includes spoil from water and sewer system repairs, street repairs, and parkway excavations. The material is stored in a bin at the Reno Center and is periodically hauled away by a material hauling contractor for disposal to an approved site outside the Village limits. This process involves Public Works employees loading trucks with spoil using large front end loaders.

The Public Works Department also utilizes various grades of stone and gravel associated with our water and sewer system repairs. The grades of stone can vary from CA-6 to CA-7 and are used as bedding material and fill material for utility excavations. When stone is needed, Public Works employees contact the contractor to deliver the desired stone to storage bins at the Reno Center.

Annually, Public Works engages in a contract with a trucking firm to remove our spoil and deliver necessary gravel for our work. The total value of the contract varies from year to year, but typically falls in the \$50,000 to \$60,000 range.

Issues

Request for Proposals (RFP) was advertised in the March 24, 2010 edition of the Daily Herald. Ten proposals were received and opened April 6, 2010 for the program. These proposals were evaluated internally based on our estimated annual scope of work which includes 125 loads of spoil removal, 750 tons of CA-6 delivered, and 750 tons of CA-7 delivered.

The lowest cost proposal was submitted by Koz Trucking and Sons, Inc. in the amount of \$36,693. The second lowest cost proposal was submitted by Marcott Enterprises, Inc. in the amount of \$38,475. The cost difference between the two lowest proposals was \$1,783 (less than 5% of the total contract). Both of these contractors have performed this contract for the Village of Glen Ellyn in the past five years.

The attached memorandum authored by Assistant Public Works Director Dave Buckley goes into detail regarding performance of these two lowest cost contractors. Basically, we have

received exceptional performance from Marcott Enterprises and inconsistent performance from Koz Trucking.

Based on the past performance history of the two contractors, I support Dave's recommendation to award this contract to Marcott Enterprises. I feel the amount of personnel time that may result in the extra management and "convenience" we would be providing to "our contractor" will end up costing more over the term of the contract.

\$54,000 was budgeted in the proposed FY10-11 budget in the Water (\$27,000) and Sewer (\$27,000) Fund. With a 10% contingency, I recommend award in the amount of \$42,500. This award will, in essence, return \$11,500 to the Water / Sewer Fund cash balance.

Action Requested

1. Motion to waive competitive bidding and approve award of contract for the 2010 - 2011 Material Hauling / Gravel Delivery Contract to Marcott Enterprises, Inc., of Addison, IL in the not-to-exceed amount of \$42,500 (including a 10% contingency) to be expensed to the FY 10 – 11 Water and Sanitary Sewer Fund.

As this action involves the waiving of competitive bidding, a two-thirds (2/3) approval is necessary.

Recommendation

I recommend approval of the contract.

Attachments

- Memorandum dated April 6, 2010 (with attachments) authored by Assistant Public Works Director Dave Buckley

Interoffice Memorandum

to: Joseph Caracci, Public Works Director
from: David Buckley, Assistant Public Works Director
subject: Material Hauling/Gravel Delivery Contract - Recommendation
date: April 9, 2010

The Public Works Department accumulates spoil material through various activities performed throughout the year. The material includes spoil from water and sewer system repairs, street repairs, and parkway excavations. The material is stored in a bin at the Reno Center and is periodically hauled away by a material hauling contractor for disposal to an approved site outside the Village limits. This process involves Public Works employees loading trucks with spoil using large front end loaders.

The Public Works Department also utilizes various grades of stone and gravel associated with our water and sewer system repairs. The grades of stone can vary from CA-6 to CA-7 and are used as bedding material and fill material for utility excavations. When stone is needed, Public Works employees contact the contractor to deliver the desired stone to storage bins at the Reno Center.

The Public Works Department solicits Requests for Proposals from area trucking firms to provide spoil removal service as well as for the supply and delivery of various grades of stone. Our typical contract runs for one year. The duration of this contract is from May 1, 2010 through April 30, 2011. On March 24, 2010 a legal notice was published in the Daily Herald soliciting proposals from prospective contractors. RFP packets were sent to fifteen trucking firms in the area. A total of ten proposals were received and opened on April 6, 2010. Attached to this memo is a spread sheet comparison of proposals based on 125 loads of spoil removed, 750 tons of CA6 delivered and 750 tons of CA7 delivered, (our current estimate of the annual scope of work).

The low proposal of \$36,692.50 was received from Koz Trucking and Sons, Inc. based out of Medinah, IL. Koz Trucking has been awarded the Material Hauling contract twice in the last five years with varying degrees of service and professionalism. While under this contract, Koz trucking needed to be monitored by staff for the following issues: slow to respond for hauling out spoil; delivery of loads of stone without being ordered; trucks with aluminum beds unwilling to take concrete/asphalt chunks as well as trucks unwilling to take full loads (both these issues may be due to sub-contractors owning trucks and not wanting to incur repair costs); and concern over documentation of prevailing wage. Koz also responds with fewer trucks than there are loads of spoil so that trucks make multiple trips; this requires the Village employee loading the spoil be present in the yard for a major portion of the day.

The next lowest proposal was \$38,475 from Marcott Enterprises, Inc. based in Addison, IL. Marcott Enterprises has been awarded the Material Hauling Contract twice in the last six years, as well as been the contractor for snow hauling services for over the last fifteen years. Marcott owns their own

C:\Documents and Settings\kdenney\Local Settings\Temporary Internet Files\Content.Outlook\D72KJ49L\Proposal Award Matl Haul 2010-11.doc

vehicles, pays prevailing wage and does not broker any of their services. While Marcott was under contract for material hauling, Public Works had no issues with the timing in loading out full truck loads of spoil as well as the accurate delivery of various grades of stone. Most of the time, Marcott responds for spoil hauling with the same number of trucks as there are loads of spoil; this reduces Village labor hours compared to spoil hauling with Koz Trucking. The \$1,783 difference in contract prices (less than 5% of the total contract) is a minimal cost compared to the risk factor in accepting the low proposal. The goal of the RFP is to award a contract based on competitive pricing with an acceptable level of risk that meets the needs of Public Works. The budgeted amount for Material Hauling in FY 2010-2011 is \$54,000; the RFP process has generated a total cost that is \$42,500, which is \$11,500 (21%) less than the budgeted amount.

Based on past experience with the contractors of the two lowest proposals, I recommend the Village of Glen Ellyn award a contract to Marcott Enterprises, Inc. of Addison, Illinois in the amount of \$42,500 to provide material delivery and spoil hauling for FY 2010-2011. The \$42,500 includes a 10 % contingency beyond the extended proposal amount of \$38,475. These funds should be expensed to the Water and Sewer Funds as follows:

Fund	Account	Amount
Water Fund	50100 520985	\$21,750
Sewer Fund	50200 520985	\$21,750
Total Funding		\$42,500

OPERATIONS DIVISION – SEWER FUND
BUDGET FOOTNOTES

1. **Salaries - FT: (\$385,000)** Provides for one-half (50%) of the salaries of the Project Coordinator, Senior Plant Operator, and Customer Service Worker. Also provides for a percentage (30%) of the sixteen members of our Operations Division that will be funded through the Operations – Water Fund budget.
2. **Temporary Help: (\$17,800)** Provides for a percentage (30%) of eight summer seasonal employees (12 weeks) and two extended seasonal (25 weeks) employees that work for the Operations Division of Public Works. Seasonal employees work on all aspects of Operations including performing maintenance on sewer structures, pipes, concrete, as well as catch basin and sanitary sewer cleaning.
3. **Bank Charges: (\$8,000)** Costs associated with the acceptance of credit cards as a form of payment at the Village Cashier's counter.
4. **Postage: (\$8,000)** Costs associated with the monthly Village utility bills are allocated to the Water (25%) and Sanitary Sewer (25%) Fund and the Residential Solid Waste Fund (50%).
5. **Maintenance / ROW: (\$75,000)** Provides for restoration of streets and parkways disturbed during system repairs. This includes \$45,000 for the Sewer portion of the concrete restoration contract, \$3,000 for landscape materials, and \$27,000 for the sewer portion of the material hauling contract for spoil removal and stone delivery.
6. **Professional Services / Other: (\$77,200)** Includes the cost of various types of services and studies provided by contractors and consultants. Provides: \$20,000 for emergency repairs to sanitary sewer mains that are deeper than Public Works equipment can safely reach; \$10,000 for pavement saw cutting contract; \$1,000 for root pruning prior to excavations; \$5,000 for lift station maintenance; \$3,000 for electrical maintenance; \$1,200 for maintenance to the 40 KW auxiliary electric generator; \$4,000 for cleaning the 4 vortex separators at Lake Ellyn; \$15,000 for bacteria treatments to our sanitary sewer system; and \$10,000 for emergency power rodding and televising. An additional \$8,000 is included in this line item for costs to contract the outside printing and mailing of more than 100,000 utility bills annually.
7. **Glenbard Wastewater Authority (GWA): (\$3,000,000)** Funds treatment of approximately 1.9 billion gallons of wastewater from Glen Ellyn, Illinois American, and a small portion of unincorporated DuPage County south of North Avenue. Glen Ellyn contributes about 48% of total GWA costs with the Village of Lombard contributing the remaining 52% based on their respective waste water flow received at the Glenbard facility.
8. **Service Line Maintenance: (\$65,000)** This is an account designed to assist residents with a 50-50 share cost of repairs to sanitary service lines under Village streets and/or within 10' of

OPERATIONS DIVISION – WATER FUND
BUDGET FOOTNOTES

1. **Salaries-FT: (\$385,000)** Provides for one-half (50%) of the salaries of the Project Coordinator, Senior Plant Operator, and Customer Service Worker. Also provides for a percentage (30%) of the sixteen members of our Operations Division that will be funded through the Operations – Water Fund budget.
2. **Salaries-PT: (\$31,400)** Provides for four part-time meter readers who read all 8,200 water meters in the Village each month and 30% of one part-time maintenance worker.
3. **Temporary Help: (\$17,800)** Provides for a percentage (30%) of eight summer seasonal employees (12 weeks) and two extended seasonal (25 weeks) employees that work for the Operations Division of Public Works. Seasonal employees work on all aspects of Operations including water distribution system maintenance activities.
4. **Bank Charges: (\$8,000)** Costs associated with the acceptance of credit cards as a form of payment at the Village Cashier's counter.
5. **Maintenance / Buildings & Grounds: (\$24,500)** Provides \$11,300 for annual landscape maintenance contract at the Cottage Avenue elevated tank site, Newton and Wilson Avenue pumping stations, and North and West Pressure Adjusting Stations. Also provides \$13,200 for miscellaneous supplies and improvements to assure our water distribution facilities are maintain and safely secured.
6. **Maintenance / ROW: (\$75,000)** Provides for restoration of streets and parkways disturbed during water system repairs (concrete, asphalt, and landscaping material) including the water portion of the material hauling contract for spoil removal and stone delivery. As a result of excavations the Utilities Division hauls out approximately 2,400 cubic yards of spoil, and purchases 1,100 tons of gravel each year.
7. **Maintenance / Water Meters: (\$50,000)** Provides for water meters, copper horns, and radio reads for new residential and commercial accounts and miscellaneous repair parts as needed. These radio-read units are currently being installed in new homes and businesses only. The cost associated with this upgrade is recovered in the meter fee portion of the building permit for the new home or business.
8. **Maintenance / Hydrants: (\$40,000)** Provides \$20,000 to fund the purchase of parts and supplies to maintain and replace hydrants. Non-functioning hydrants are typically replaced instead of repaired because of obsolescence. On average, the Utilities Division replaces 8 hydrants per year (out of a total of 1,222 hydrants). These hydrant replacements are in addition to those replaced as part of our extensive Capital Improvements Program. This year will be the first year of a 5 year program to sand blast and repaint all 1222 hydrants. 245 hydrants will be painted this year for \$ 20,000.

Village of Glen Ellyn

FY 10-11 MATERIAL HAULING PROPOSALS

Proposals received April 6, 2010

Vendor	Unit Costs			Extended Costs			ESTIMATED TOTAL COST
	Hauling	CA-6 Stone	CA-7 Stone	Hauling	CA-6 Stone	CA-7 Stone	
	Cost per Load	Cost per Ton	Cost per Ton	125 Loads	750 Tons	750 Tons	
Makaty Inc.	\$ 250.00	\$ 11.04	\$ 15.66	\$ 31,250.00	\$ 8,280.00	\$ 11,745.00	\$ 51,275.00
Koz Trucking & Sons Inc.	\$ 155.00	\$ 10.00	\$ 13.09	\$ 19,375.00	\$ 7,500.00	\$ 9,817.50	\$ 36,692.50
G&M Trucking Inc.	\$ 175.00	\$ 11.90	\$ 15.90	\$ 21,875.00	\$ 8,925.00	\$ 11,925.00	\$ 42,725.00
AMS Earth Movers Inc.	\$ 216.00	\$ 13.10	\$ 18.20	\$ 27,000.00	\$ 9,825.00	\$ 13,650.00	\$ 50,475.00
D&R Trucking Co.	\$ 235.00	\$ 10.95	\$ 14.50	\$ 29,375.00	\$ 8,212.50	\$ 10,875.00	\$ 48,462.50
D.A.S. Enterprises, Inc.	\$ 210.00	\$ 10.90	\$ 14.65	\$ 26,250.00	\$ 8,175.00	\$ 10,987.50	\$ 45,412.50
E. Hoffman Inc.	\$ 168.00	\$ 10.00	\$ 13.55	\$ 21,000.00	\$ 7,500.00	\$ 10,162.50	\$ 38,662.50
DuPage Topsoil	\$ 225.00	\$ 18.25	\$ 20.25	\$ 28,125.00	\$ 13,687.50	\$ 15,187.50	\$ 57,000.00
Marcott Enterprises Inc.	\$ 168.00	\$ 10.10	\$ 13.20	\$ 21,000.00	\$ 7,575.00	\$ 9,900.00	\$ 38,475.00
Boughton Materials	No Bid	\$ 11.50	\$ 14.75	-	\$ 8,625.00	\$ 11,062.50	-

A-6P



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: April 12, 2010

Re: FY11 Pavement Markings (Thermoplastic)

Background

The Public Works Department is responsible for the maintenance of Village owned roadways throughout town. Part of the maintenance responsibility lies with assuring that pavement markings are in acceptable condition and visible for the motoring and pedestrian traffic. Pavement markings are meant to provide clear demarcation of lane lines, stop bars, cross walks, and include a number of symbols to designate school zones and handicap accessible parking.

Two different materials are utilized for pavement markings – dependent on roadway surface. Asphalt roadways utilize thermoplastic markings while concrete roadways use epoxy pavement markings. The quantity of thermoplastic pavement markings is such that Public Works can only accommodate about half the total markings in town in any given year. Last year, our focus was on school zones and the Central Business District. Part of this year's program will focus on the remaining markings on asphalt roadways. A second contract is anticipated later in the spring to account for the concrete roadways (as this utilizes different technology and different contractors). Pavement markings typically last about 3 years before they need to be redone.

Issues

Last year we learned that Thermoplastic Pavement Marking is offered through the Suburban Purchasing Cooperative (SPC). We learned of this option during the bidding process last year. Once bids were received, we found that the SPC contract prices were 60-87% less than the competitively bid prices we received. We rejected all bids and awarded a contract through SPC. This year we plan to continue our use of the SPC contract for our thermoplastic needs. Unfortunately, concrete epoxy marking is not included in SPC, but we are researching other options.

The proposed FY11 budget includes \$90,000 for pavement marking this summer - \$45,000 for thermoplastic and \$45,000 for epoxy. Funding comes from the Public Work – Operations budget (General Fund). We recommend moving forward with the thermoplastic program at this time. The earlier we can commit to the contractor, the better response we will get. Thermoplastic contractors tend to get very busy later in the summer as roadway project move toward completion.

Action Requested

1. Motion to waive competitive bidding requirements and award a contract to Superior Road Striping (through the Suburban Purchasing Cooperative) in the not-to-exceed amount of \$45,000 for the contemplated pavement marking work for FY 10-11, Maintenance/Street Painting.

Recommendation

I recommend approval of the contract.

Attachments

- Memorandum dated April 12, 2010 (with attachments) authored by Civil Engineer Jeff Perrigo

Interoffice Memorandum

to: Joseph M. Caracci, Public Works Director

from: Jeffrey D. Perrigo, Civil Engineer

subject: 2010 Pavement Marking Program – Recommendation to Award a Contract to Superior Road Striping (through the Suburban Purchasing Cooperative)

date: April 12, 2010

The Village's 2010 Pavement Marking Program will build on last year's program which focused on the removal and replacement of thermoplastic pavement markings on asphalt pavement in the Central Business District and in areas near schools. This year's program will include primarily the freshening of crosswalks, stop bars and long lines in areas not performed last year throughout the Village. Thermoplastic pavement markings typically last about three or four years.

Last year, staff discovered that the Suburban Purchasing Cooperative (SPC), a joint purchasing program sponsored by the Northwest Municipal Conference, DuPage Mayors and Managers Conference, among others, representing 158 municipalities and townships in the Chicagoland region, included preferred pricing for thermoplastic pavement markings. Our Team reviewed the pricing provided through the SPC and found substantial savings versus the bids that were received last year (60%-87%). Superior Road Striping was the low bidder for the 2009 SPC program.

The SPC received bids for this year's program and Superior Road Striping (SRS) was again the low-bidder for thermoplastic pavement markings. This year's pricing includes a price increase of about 12% compared to last year. Even with the price increase, SRS clearly remains the cost-effective choice for thermoplastic pavement markings. Pricing power for SRS comes from (1) the volume of work generated from the SPC and (2) the timing of the work – striping must be performed early in the construction season (the slower season for pavement marking).

SRS performed our striping in the CBD last year and did an admirable job. Many compliments were made regarding the efficiency and final product completed with the striping project. Staff enjoyed working with SRS personnel and we are looking forward to another productive program.

Action Required

Staff recommends that the following actions be taken relative to the bidding for the 2010 Pavement Marking Program:

1. Motion to waive competitive bidding requirements and award a contract to Superior Road Striping (through the Suburban Purchasing Cooperative) in the not-to-exceed amount of \$45,000 for the contemplated pavement marking work for FY 10-11, Maintenance/Street Painting.

Budget excerpt is included below:

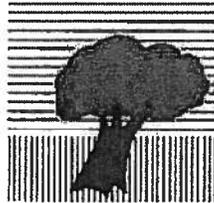
- 
8. **Maintenance - Street Painting: (\$92,000)** Provides \$2,000 for supplies to perform in house maintenance of stop bars and crosswalks on an emergency basis. The department also plans to continue a Village-wide pavement marking project that will include paint, thermoplastic, and epoxy markings for stop bars, crosswalks, letters/symbols, and lane line striping throughout the Village. The anticipated life of a pavement marking is three years. Due to recent revenue losses and general economic conditions our pavement marking program has been drastically reduced and deferred over the past three years. Our goal is to get back on track with a catch up year completing our asphalt program (\$45,000) from last year and our scheduled concrete pavement marking program (\$45,000).
- 

cc: Steve Jones, Village Manager
Bob Minix, Professional Engineer
Bob Greenberg, Project Coordinator

FY 2010-11



**Joint Purchasing
Program**



*DuPAGE
MAYORS AND MANAGERS
CONFERENCE*



*NORTHWEST MUNICIPAL
CONFERENCE*



**WILL COUNTY
GOVERNMENTAL LEAGUE**

ABOUT THE SPC

The Suburban Purchasing Cooperative is a joint purchasing program sponsored by the Northwest Municipal Conference (NWMC), DuPage Mayors & Managers Conference (DMMC) South Suburban Mayors and Managers Association (SSMMA), and Will County Governmental League (WCGL). Together the SPC represents 158 municipalities and townships in the Chicagoland region.

The following entities are eligible to participate in the SPC joint purchasing programs: Municipalities, Townships, Counties, Park Districts, Libraries, School Districts and Non-Profit Organizations.

The SPC exemplifies the benefits of intergovernmental cooperation on a regional basis. The goal of the SPC is to combine the resources and purchasing power of governments and not-for-profit entities to jointly negotiate advantageous contract terms on a line of high quality products at the lowest possible price.

Economies of scale in terms of pricing and staff resources are the prime objectives of the SPC Joint Purchasing Program. By purchasing through the SPC, participants not only save money but time as well. Acting as an extension of the purchaser's staff, SPC staff works diligently in order to avoid the needless duplication of effort through in-house coordination of several functions involved in the procurement process.

According to 30ILCS 525/2 from CH. 85, pr. 1602 Sec. 2 (a) Any governmental unit may purchase personal property, supplies and services jointly with one or more other governmental units. All such joint purchases shall be by competitive bids as provided in Section 4 of this Act. (Source: P.A. 87-960.)

Since 2007, the SPC Program is centrally operated by the Northwest Municipal Conference with shared program oversight by the SPC Governing Board and SPC Technical Review Committee.

Call One

1000 Skokie Blvd, Suite 320
Wilmette, IL 60091
Contact Person: Bob Chatz
P: 847-920-9600 F: 847-920-9800
chatz@callone.net

Pricing

Call One provides competitive pricing, personalized customer care, and billing that is customized and easy to understand. All billing is handled through Call One.

THERMOPLASTIC ROAD STRIPING (in conjunction with IDOT)

Product Information

Thermoplastic Lane Markings are used on paved roadways to provide guidance and information to drivers and pedestrians.

Ordering Information

Estimate sheets are provided to participating municipalities in order to be included in the RFP. Contractor's perform the work in the spring and summer months.

Superior Road Striping
1967 Cornell Court
Melrose Park, IL 60160
Contact Person: Joan Yario
P: 708-865-0718 F:708-865-0296
thermopros@sbcglobal.net

4" Line = \$0.47 per ft.

6" Line = \$0.70 per ft.

12' Line = \$1.45 per ft.

24" Line = \$2.75 per ft.

Letters and Symbols = \$2.75 per sq. ft.

Removal = \$0.75 per sq. ft.

2009 Pricing

4" Line - \$0.47/ft.

6" Line - \$0.70/ft.

12" Line - \$1.45/ft.

24" Line - \$2.75/ft.

Letters & Symbols - \$2.75/sq.ft.

Removal - \$0.75/sq.ft.

VEHICLE STICKERS

Product Information

Borden Decal is equipped to perform both small and large runs. They specialize in pressure sensitive labels and decals. Stickers are available in 3x3 inch or a 4x3 inch size, clear mylar or acetate, 2 mil. thick with a choice of eighteen colors.

Ordering Information

Order forms are available from the SPC by contacting Larry Widmer of the NWMC at 847-296-9200, extension 28.

Borden Decal

24 North Oriole Trail

Crystal Lake, IL 60014

Contact Person: Christina Pagliarulo

P: 888-267-3364 F:847-515-8025

cp@bordendecal.com

Pricing

Group I— 3" x 3" \$90/1000 or \$.09 each

Group II— 4" x 3" \$120/1000 or \$.12 each

A-6Q



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: April 12, 2010

Re: Pre-Approval of expenses associated with Mediation Process for the Park / Glen Ellyn Place / Prairie Improvement Project with Brothers Asphalt

Background

The Park / Glen Ellyn Place / Prairie Improvement Project was completed in 2009. Original contract dates were not met which caused much grief for effected residents and caused havoc on a number of special events and our Fourth of July festivities. We have not been able to reach agreement with the contractor on a number of issues including assessment of liquidated and actual expenses. The contractor had verbally threatened litigation. In hopes of avoiding significant costs and time associated with litigation with the contractor, we have offered to attempt non-binding mediation. Non-binding mediation involves presenting facts to an unbiased mediator experienced in construction claims. This individual will hear both sides and give their opinion on an appropriate conclusion. The contractor has agreed to try mediation as a first step and we are both hopeful that whatever decision forwarded by the mediator will be fair and agreeable.

Issues

The cost of mediation, albeit much less than that of moving forward with arbitration or litigation, is still significant. Initial estimates from our legal council are around \$12,000 which includes the mediator and our own legal costs for Ancel Glink. As this expense will most likely exceed the \$10,000 administrative limit, I seek pre-approval from the Village Board for expenses associated with this process.

Action Requested.

1. Motion to approve expenses involved in moving forward with the mediation process for the Park/Glen Ellyn Place/Prairie Improvement Project in the not-to-exceed amount of \$15,000 to be expensed to the FY 10-11 Capital, Water and Sewer Funds accordingly.

Recommendation

I recommend approval of the contract.

Attachments

- Letter from Brothers Asphalt Attorney agreeing to mediation process.



ACOSTA & SKAWSKI, P.C.
ATTORNEYS AND COUNSELORS AT LAW

Telephone: (630) 871-6161 Facsimile: (630) 871-0084

GEORGE L. ACOSTA
JOHN J. SKAWSKI

CHRISTIAN M. RYBA
RONALD E. NERODA

March 23, 2010

VIA FACSIMILE (630) 469-3128 and US MAIL

Mr. Joseph M. Caracci, P.E.
Public Works Director
Village of Glen Ellyn
30 S. Lambert Road
Glen Ellyn, IL 60137

RE: Park/ Glen Ellyn/Prairie Improvements Project/Brothers Asphalt Paving, Inc.,

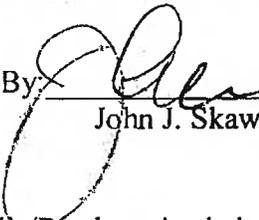
Dear Mr. Caracci:

I have been retained by Brothers Asphalt Paving, Inc. regarding the above matter. I have reviewed your February 26, 2010 correspondence proposing mediation.

I have spoken to the principals at Brothers Asphalt Paving, Inc. and they are agreeable to a non-binding mediation to facilitate a settlement on the above matter.

Please have the Village of Glen Ellyn's appropriate contact person/legal representative call me to discuss the specifics of the mediation and selection of an independent mediator.

Very truly yours,
ACOSTA & SKAWSKI, P.C.

By: 

John J. Skawski

JJS:dxo

cc: Mr. Nicola Colella/Mrs. Natalia Colella/Brothers Asphalt Paving, Inc./315 S. Stewart Avenue/Addison, IL 60101

A-6R

MEMO

TO: Phil Norton, Chief of Police
FROM: Robert Acton, Deputy Chief of Police *RA*
DATE: March 29, 2010
SUBJECT: **PROPOSED INCREASE TO PARKING FINES**

The Department has prepared an ordinance to amend certain sections of Chapters 2 and 3 of Title 9 to include recommended increases to the parking fee schedules and penalties (attached). The amendments as shown are based upon a comparison of parking fines of neighboring municipalities, including those along the Metra rail line in Dupage County.

The amendments are presented with current language stricken, followed by the recommended changes. Additionally, we are also recommending the striking of Section 9-3-11 (PENALTY) (A). This paragraph allowed for overtime meter violations to be paid at a reduced rate of \$3.00 in drop boxes within the first 10 days after receiving a notice of violation. Our research indicates this is an obsolete practice that has been out of service in excess of ten years. Paragraph (B) also has the same language stricken. Under the proposed amendments, persons who receive a parking ticket in violation of this section (overtime meter) will be required to pay a fine of \$15.00 for the original occurrence.

I have attached for your reference the summary results of the parking ticket comparison completed in February 2010. Please contact me if you have any questions.

Attachments: Draft Ordinance of Chapters 2 and 3 of Title 9
Parking Ticket Fine Comparison dated February 10, 2010

I AGREE WITH THIS RECOMMENDATION. *RAM* 4/12/10

* MARKED UP VERSION *

VILLAGE OF GLEN ELLYN

ORDINANCE NO. _____ -VC

AN ORDINANCE TO AMEND CERTAIN SECTIONS
OF CHAPTERS 2 AND 3 OF TITLE 9
(FEE SCHEDULE AND PENALTY)
OF THE VILLAGE CODE OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS
REGARDING PARKING VIOLATION FEE STRUCTURE AND PENALTY

ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE
VILLAGE OF GLEN ELLYN
DUPAGE COUNTY, ILLINOIS
THIS _____ DAY OF _____, 20____.

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County,
Illinois, this _____ day of
_____, 20____.

ORDINANCE NO. _____ - VC

AN ORDINANCE TO AMEND CERTAIN SECTIONS
OF CHAPTERS 2 AND 3 OF TITLE 9
(FEE SCHEDULE AND PENALTY)
OF THE VILLAGE CODE OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS
REGARDING THE PARKING VIOLATION FEE STRUCTURE AND PENALTY

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION ONE: Section 9-2-7 (FEE STRUCTURE) of the Glen Ellyn Village Code is hereby amended by the following:

(B) Aggregate Number Of Tickets:

	1 _ 3	4 _ 7	8 _ 11	12 _ 15	16 plus
Class A	\$5.00 \$15.00				
Class B	\$10.00 \$15.00	\$20.00 \$25.00			
Class C	\$15.00 \$25.00	\$25.00 \$35.00	\$35.00 \$45.00	\$50.00 \$60.00	\$125.00
Class D	\$20.00 \$25.00	\$30.00 \$35.00			
Class E	\$35.00	\$40.00	\$45.00		
Class F	\$250.00	\$250.00	\$250.00	\$250.00	\$250.00

SECTION TWO: Section 9-3-11 (PENALTY) of the Glen Ellyn Village Code is hereby amended by the following:

- (A) ~~Any person violating subsection 9-3-6(B) or (C) of this chapter by causing, allowing, permitting or suffering any vehicle to be illegally parked in a parking space within an area designated as parking rate zone A may discharge his liability by paying, at the office of the police department, or in boxes provided for that purpose, three dollars (\$3.00) within ten (10) days after the violation occurs, as shown by the ticket issued for the violation.~~
- (B) Any person violating subsection 9-3-6(B) or (C) of this chapter by causing, allowing, permitting or suffering any vehicle to be illegally parked in a parking space located within an area designated as parking rate zone A ~~who does not discharge his liability as provided in subsection (A) of this section~~ shall be fined no more than nor less than ~~five dollars (\$5.00)~~ fifteen dollars (\$15.00). (Ord. 4224, 12-19-1994; amd. Ord. 4936, 4-23-2001)
- (C) Any person violating subsection 9-3-6(B) or (C) of this chapter by causing, allowing, permitting or suffering any vehicle to be illegally parked in a parking space in any parking rate zone other than zone A shall be fined no more than nor less than ~~five dollars (\$5.00)~~ fifteen dollars (\$15); provided, however, that should a vehicle remain parked in a parking space in violation of subsection 9-3-6(B) or (C) of this chapter for two (2) hours or more after the issuance of a ticket or notification of violation, a subsequent ticket or notice of violation may be issued in which case the violator shall be fined no less than nor more than ~~fifteen dollars (\$15.00)~~ twenty-five dollars (\$25.00).
- (D) Any person who violates subsection 9-3-6(D) of this chapter or section 9-2-7 of this title shall be fined not less than nor more than ~~fifteen dollars (\$15.00)~~ twenty-five dollars (\$25.00).
- (E) Any person who violates subsection 9-3-6(B) of this chapter (meter feeding) shall be fined ~~five dollars (\$5.00)~~ fifteen dollars (\$15.00) for the first offense; not less than ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) nor more than ~~fifteen dollars (\$15.00)~~ twenty-five dollars (\$25.00) for the second offense occurring within six (6) months after the date of the first offense; and not less than ~~fifteen dollars (\$15.00)~~ twenty-five dollars (\$25.00) nor more than ~~thirty dollars (\$30.00)~~ forty dollars (\$40.00) for the third and each succeeding offense occurring within six (6) months following the date of the first offense in violation of subsection 9-3-6(B) of this chapter.

SECTION THREE: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20__.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20__.

Village President of the Village
of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the Village
of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 20__.)

FINAL VERSION

VILLAGE OF GLEN ELLYN

ORDINANCE NO. _____ -VC

AN ORDINANCE TO AMEND CERTAIN SECTIONS
OF CHAPTERS 2 AND 3 OF TITLE 9
(FEE SCHEDULE AND PENALTY)
OF THE VILLAGE CODE OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS
REGARDING PARKING VIOLATION FEE STRUCTURE AND PENALTY

ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE
VILLAGE OF GLEN ELLYN
DUPAGE COUNTY, ILLINOIS

THIS _____ DAY OF _____, 20____.

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County,
Illinois, this _____ day of
_____, 20____.

ORDINANCE NO. _____ - VC

AN ORDINANCE TO AMEND CERTAIN SECTIONS
OF CHAPTERS 2 AND 3 OF TITLE 9
(FEE SCHEDULE AND PENALTY)
OF THE VILLAGE CODE OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS
REGARDING THE PARKING VIOLATION FEE STRUCTURE AND PENALTY

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SECTION ONE: Section 9-2-7 (FEE STRUCTURE) of the Glen Ellyn Village Code is hereby amended by the following:

(B) Aggregate Number Of Tickets:

	1 _ 3	4 _ 7	8 _ 11	12 _ 15	16 plus
Class A	\$15.00				
Class B	\$15.00	\$25.00			
Class C	\$25.00	\$35.00	\$45.00	\$60.00	\$125.00
Class D	\$25.00	\$35.00			
Class E	\$35 .00	\$40.00	\$45.00		
Class F	\$250 .00	\$250.00	\$250.00	\$250.00	\$250.00

SECTION TWO: Section 9-3-11 (PENALTY) of the Glen Ellyn Village Code is

hereby amended by the following:

(A) Omitted (Ord. ##### 04-19-2010)

(B) Any person violating subsection 9-3-6(B) or (C) of this chapter by causing, allowing, permitting or suffering any vehicle to be illegally parked in a parking space located within an area designated as parking rate zone A shall be fined no more than nor less than fifteen dollars (\$15.00). (Ord. 4224, 12-19-1994; amd. Ord. 4936, 4-23-2001)

(C) Any person violating subsection 9-3-6(B) or (C) of this chapter by causing, allowing, permitting or suffering any vehicle to be illegally parked in a parking space in any parking rate zone other than zone A shall be fined no more than nor less than fifteen dollars (\$15); provided, however, that should a vehicle remain parked in a parking space in violation of subsection 9-3-6(B) or (C) of this chapter for two (2) hours or more after the issuance of a ticket or notification of violation, a subsequent ticket or notice of violation may be issued in which case the violator shall be fined no less than nor more than twenty-five dollars (\$25.00).

(D) Any person who violates subsection 9-3-6(D) of this chapter or section 9-2-7 of this title shall be fined not less than nor more than twenty-five dollars (\$25.00).

(E) Any person who violates subsection 9-3-6(B) of this chapter (meter feeding) shall be fined fifteen dollars (\$15.00) for the first offense; not less than twenty dollars (\$20.00) nor more than twenty-five dollars (\$25.00) for the second offense occurring within six (6) months after the date of the first offense; and not less than twenty-five dollars (\$25.00) nor more than forty dollars (\$40.00) for the third and each succeeding offense occurring within six (6) months following the date of the first offense in violation of subsection 9-3-6(B) of this chapter.

SECTION THREE: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20__.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20__.

Village President of the Village
of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the Village
of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 20__.)

MEMO

TO: Phil Norton, Chief of Police
FROM: Robert Acton, Deputy Chief of Police *ROA*
DATE: February 10, 2010
SUBJECT: **PARKING TICKET FINE COMPARISON**

The Department has completed a comparison of Village of Glen Ellyn parking ticket fines against 13 neighboring municipalities¹ in Dupage County. A total of 37 violations and associated fines were recorded from each comparable community. This data was used to develop an average fine amount across the sample group in each violation category. This average was then compared to the corresponding parking ticket fines in Glen Ellyn.

This data revealed that in 36 of 37 parking violations, Glen Ellyn fines ranged approximately 30-80% lower than the average fine of the comparable communities. It was also noted that the layered fine schedule for various violations in the Village is not utilized by the comparable communities. Instead, municipalities employ a "flat" fine schedule for most violations.

There are several considerations in support of modifying the current fine structure and amounts in Glen Ellyn.

- Simply stated, the Village fine structure is well behind the range of reasonable comparables. Elevating Glen Ellyn fines to average or just below average is in keeping with an acceptable consequence for violations in communities both along the Metra rail and with similar parking limitations as the Village.
- While fines are not intended to generate revenue, the Village continues to seek improvements in the cost effectiveness of local government. It is reasonable to seek to offset the expense associated with processing of parking tickets, ticket printing, mailing notices, completing data entry and filing tickets.
- The underlying principle of assigning a fine to a citation assumes a level of deterrence from further acts. In the event the Village chooses not to modify the current schedule, the effectiveness of the fine as a deterrent is reduced to an 'inconvenience' for future and repeat violators.

It is therefore recommended that the Village increase parking ticket fines to meet or remain near the average fines in place at similar communities. The following table was prepared to show the comparable data alongside the corresponding Village fine. The final column on the right contains the proposed modification for each violation. At your direction, I will prepare an amendment to the Village fine schedule.

¹ Addison, Bloomingdale, Elmhurst, Glendale Heights, Itasca, Lisle, Lombard, Naperville, Villa Park, Warrenville, West Chicago, Wheaton, Winfield

OVER

PARKING ORDINANCE ³	Addison				Bloomington ¹				Burbank				Glendale Heights				Lisle				Naperville				Villa Park				West Chicago				Winfield				Average				PROPOSED INCREASE															
	25	20	25	30	30	20	25	30	30	20	25	30	30	20	25	30	30	20	25	30	30	20	25	30	30	20	25	30	30	20	25	30	30	20	25	30	30	20	25	30	30	20	25	30	30	20	25	30								
3 Hr Meter																																																								
Meter Feeding																																																								
Failure to Pay-Parking Lots																																																								
Parking Space Violation (Meter/Timer)																																																								
OT Parking On Street CBD																																																								
6 Hr Meter																																																								
No Parking-Specified Places																																																								
Parked on Sidewalk																																																								
Parked in Front Of Driveway																																																								
Parked in Intersection																																																								
Parked In Crosswalk																																																								
Parked Within 20 Ft of Crosswalk Or Intersection																																																								
Parked within 30 Ft of Stop Sign Or Signal																																																								
Parked Within 50 Ft of RR Crossing																																																								
Parked Within 20 Ft or 75 Ft Of Fire Station																																																								
Parked by Excavation																																																								
Double Parked																																																								
Parked on Bridge or in Tunnel																																																								
Reducing Width of Road <12 Ft																																																								
Posted No Stopping, Standing or Parking																																																								
Left Wheels to Curb or 6 inches From Curb																																																								
Parked to Sell Vehicle or to Peddle																																																								
Parked (1) Driven (2) On Sidewalk, Driven on Parkway (3)																																																								
Parked on Roosevelt Road																																																								
No Parking 0200 To 0600																																																								
5 Hr Limit All Streets 0600-1800																																																								
Parking Transport Trucks in Residential Area																																																								
Violation of Space Markings-Municipal Lots																																																								
OT Parking-Not CBD (Other Than 5 Hrs)																																																								
Unattended Motor Vehicle																																																								
No State License																																																								
Leased Space Violation																																																								
Private Property Parking																																																								
Parked W/In 15' Fire Hydrant (1) Or in Fire Lane (2)																																																								
Municipal Permit Lot Violations																																																								
Snow Emergency																																																								
No Village License Displayed																																																								

¹ Bloomington raising all fines to \$20 as shown

² Winfield fines not factored in determining average

³ Not all municipalities have metered areas/CBD. Also, not all have time restrictions (ex. 5 Hr. limit on all streets). Report excludes handicapped violations.

A-65



DRAFT

April 27, 2010

Mr. Alex Demos
1N282 Park Boulevard
Glen Ellyn, IL 60137

RE: 2010 Village Fair

Dear Alex:

This letter is to confirm action taken at the Village Board Meeting on Monday, April 26, 2010, regarding the 2010 Jaycees Village Fair based on requests outlined in your letter of April 12, 2010. The Village Board grants its approval for use of the Crescent Boulevard parking lot and portions of Crescent Boulevard west of Main Street for the purposes of the Jaycees Village Fair from Wednesday, May 19, through Sunday, May 23, 2010.

Permission is granted with a number of conditions as listed below:

1. Fair hours will be:

Wednesday, May 19	-	5:00 P.M. to 10:00 P.M.
Thursday, May 20	-	5:00 P.M. to 10:00 P.M.
Friday, May 21	-	Noon to 10:00 P.M.
Saturday, May 22	-	Noon to 10:00 P.M.
Sunday, May 23	-	Noon to 8:00 P.M.

Please note that approval for the closing time on Sunday, May 23 is for 8:00 P.M., not 9:00 P.M. as requested in your letter. Any decisions regarding a change in closing time will be left up to the police officers on site.

2. All equipment related to the fair will be placed in conformance of approval by the Police Department designee. Additionally, the Jaycees will submit a map detailing the fair layout for Police Department review and approval by Friday, May 7, 2010, including the placement of portable toilets and bike racks.
3. Approval of the use of the Crescent Boulevard parking lot beginning on Sunday, May 16, 2010 at 12:00 a.m. and ending on Monday, May 24, 2010 at 5:00 a.m. Dismantling and removal of all Fair equipment must be completed by 5:00 a.m., Monday, May 24, 2010, such that the lot is open for use at that time.

4. Chapter 3-23, Section 8-1-11 and Section 8-1-12 of the Village Code concerning peddlers, the obstruction of public ways, and the display and sale of merchandise on public ways, respectively, have been waived for the five days of the event.
5. The Jaycees shall be responsible for coordinating the installation of snow fencing or other barrier acceptable to the Village's Police Department adjacent to the railroad right-of-way and along the street side (north side) of any rides or equipment placed on Crescent Boulevard. Additionally, the Jaycees shall coordinate the installation of snow fencing or other protective barrier acceptable to the Public Works Department around the planting areas on the north and west sides of the parking lot.
6. It is the responsibility of the Jaycees to arrange for the relocation of the regular users of the Crescent Boulevard parking lot. These arrangements must be communicated to Police Chief Norton or his designee by Wednesday, May 5, 2010 so that these users can be notified through the distribution of handouts.
7. All vehicles and equipment not directly related to the ongoing function of the Fair must be relocated off site to a location approved by the Police Department representative.
8. No persons associated with the Fair will be allowed to maintain trailers or other vehicles that serve as their living quarters in the Central Business District, with the exception of a security person.
9. Once all equipment has been dropped off at the Fair location, all persons associated with the fair will vacate the area until active preparations for the Fair begin on Tuesday morning, May 18, 2010.
10. No holes or placement of stakes will be allowed in the Crescent Boulevard parking lot. Any damage to the parking lot surface will be repaired by the Jaycees, as necessary, in a manner that is acceptable to the Public Works Department.
11. The Jaycees must work with the Glen Ellyn Police Department for assistance in crowd and traffic control, as well as parking.
12. Debris and litter must be controlled so as not to create problems for the surrounding areas. Trash/recycling receptacles will be placed around the parking lot by the Public Works Department for use during the Fair. The Jaycees has full responsibility for lot cleanup and solid waste/recycling collection and removal during the full event and immediately after departure of the carnival, including the planting and grassy areas on the north, west, and south sides of the parking lot. All trash/recycling receptacles provided by the Village must be turned upside down once the event has ended so that the containers are not used prior to pickup by the Public Works Department.

13. Evidence of insurance in the amount of \$2 million listing the Village as additionally insured must be presented to Personnel Analyst Danamarie Izzo no later than Friday, May 7, 2010.
14. In your letter, you state you will continue to use the services of a licensed electrician to inspect the electrical wiring of all Fantasy Amusements' equipment. It is also our understanding that the State of Illinois will be inspecting the passenger rides on a regular basis and applying dated safety stickers to that equipment. You have assured us that every ride will have a valid safety sticker or it will not be operated. We believe this is the appropriate way to approach the concern over safe amusement rides, and we will inform our police officers to look for these safety inspection stickers to determine that they are valid and up-to-date.
15. Inspections of the rides and the site must also be conducted by the Police Department and Planning and Development Department prior to the Village Fair opening to the public. Please coordinate these inspections through the Police Department at 630-469-1187.
16. Representatives of the Jaycees must meet with appropriate Police and Public Works Department staff prior to the event to finalize and coordinate all details.

Copies of your letter together with this reply are being furnished to the appropriate Village staff members so that necessary arrangements can be made for the Fair. If you have any questions, please contact the appropriate staff member directly.

Sincerely,

Steve Jones
Village Manager

X:\Admin\JAYCEES\10FairApproval.doc

cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Police Chief
Scott Raffensparger, Fire Chief, Volunteer Fire Company
Dave Buckley, Assistant Public Works Director
Danamarie Izzo, Personnel Analyst
Patti Underhill, Administrative Services Coordinator
Jennifer Brown, Crew Leader
Mike Formento, Executive Director, Chamber of Commerce
Georgia Koch, Executive Director, Chamber of Commerce
Bill Johnston, Fantasy Amusements

A-6T



DRAFT

April 27, 2010

Tracey Kreiling, Owner
Bells and Whistles Snackery
405 N. Main Street
Glen Ellyn, IL 60137

RE: Madonnari off Main 2010

Dear Ms. Kreiling:

This letter is to confirm action taken at the Village Board Meeting on Monday, April 26, 2010 regarding the 2010 Madonnari off Main event scheduled to occur in the Central Business District on Saturday, June 5, 2010 as described in your attached letter and email. The Village Board approved the requests and temporarily waived the pertinent sections of the Village Code as listed below:

1. Approval for the event to occur between 9:00 a.m. and 11:00 p.m. on Saturday, June 5, 2010 in the St. Marks Episcopal Church Parking Lot at 393 N. Main Street.
2. Section 10-4-17.1.B.32 concerning promotional events has been waived for the length of the event in order to allow entertainment in the form of musical groups in the St. Marks Episcopal Church Parking Lot on Saturday, June 5, 2010. Musical entertainment is required to end at 10:00 p.m.
3. Section 3-19-29 regarding location restrictions has been waived for the length of the event in order to allow the sale of liquor within one hundred feet (100') of the real property of the St. Marks Episcopal Church.
4. Bells and Whistles Snackery is reminded that if signs or other attention getting devices are used for the event, they must be in accordance with Section 4-5-8(B) of the Sign Code.
5. If beer and/or wine are to be sold, Bells and Whistles Snackery must apply for a Class E Liquor License by contacting Administrative Services Coordinator, Patti Underhill. The Class E Liquor License Application is also available online at www.glenellyn.org. In addition to the \$20 application fee for the Class E Liquor License, Bells and Whistles Snackery must provide dramshop (liquor liability) insurance. The sale of liquor is specifically approved to occur between the hours of 12:00 p.m. and 10:30 p.m. on Saturday, June 5, 2010. Alcoholic beverages **must** remain within the St. Marks Parking

Lot. Bells and Whistles must also utilize bracelets to identify those of legal drinking age throughout the length of the event.

6. It is necessary to obtain a Special Event Liquor License from the Illinois Liquor Control Commission. Please visit their website at www.state.il.us/lcc/ for more information.
7. Bells and Whistles Snackery will be required to send every employee serving alcohol at the event to attend Beverage Alcohol Sellers and Servers Education and Training (BASSET). Please contact the Police Department at 630-469-1187 to coordinate the details of this requirement.
8. Sale/provision of food will be allowed in the St. Marks Parking Lot on Saturday, June 5, 2010 only after approval by the DuPage County Health Department.
9. Bells and Whistles Snackery must provide portable toilets in the number of one for every 50 people for the length of the event, in addition to handwashing stations.
10. Police support will be available. There may be a cost associated with the assignment of uniformed Police Officers. Please work out the exact details of police assignments with the Police Chief or his representative in advance of the event.
11. Arrangements with the Police Department and the Public Works Department regarding the proper placement of barricades to ensure safety during the event must be made by Tuesday, May 18, 2010. Please also contact the Police Department to determine the need for fencing. Should the Police determine that fencing is required, Bells and Whistles may wish to contact the Glen Ellyn Park District for the fencing, as the Village cannot provide this service.
12. The Village is interested in working with your organization to determine the best way to provide electrical power for your event. The Village has different options for power with varying capabilities depending on the location of your event and the amount of power needed. Please contact Rob Kadera and/or Mike Zitzka of Public Works at 630-469-6756 by Tuesday, May 18, 2010 to work out these details.
13. The Public Works Department will place special event signs directing guests to the event around the Village prior to the event. Please contact the Public Works Department at 630-469-6756 to work out the exact details in advance of the event.
14. Enough volunteers to adequately staff the entrances and exits of the event in the St. Marks Parking Lot need to be provided by Bells and Whistles Snackery.
15. Bells and Whistles Snackery will be responsible for the removal of refuse and recycling from the organization-provided containers in the St. Marks Parking Lot. Arrangements can be made for removal with Allied Waste at 630-469-1036.

16. If tents are to be used in the St. Marks Parking Lot on Saturday, June 5, 2010, the following conditions must be met: they are a minimum of 10 feet from any building, have no cooking equipment within them, comply with all applicable building regulations and are inspected by the Planning and Development Department Building Inspector prior to the event. Please contact the Planning and Development Department at 630-547-5250 to arrange for an inspection prior to the event. The cost for a building inspection is \$50.00.
17. A site plan must be provided to the Village by Bells and Whistles Snackery by Tuesday, May 18, 2010.
18. Evidence of insurance for Bells and Whistles Snackery in the amount of \$2 million listing the Village as additionally insured must be presented to Personnel Analyst Danamarie Izzo no later than Tuesday, May 18, 2010.

Copies of your letter, together with this reply, are being furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of your organization. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Steve Jones
Village Manager

cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Police Chief
Dave Buckley, Assistant Public Works Director
Danamarie Izzo, Personnel Analyst
Patti Underhill, Administrative Services Coordinator

X:\Admin\Downtown Glen Ellyn Alliance\madonnarioffmain2010

A-7

Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Adopting the Annual Village of Glen Ellyn Expenditure Budget
in the Net Amount of \$42,277,249 Including the
Compensation Plan for the 2010/11 Fiscal Year
Beginning May 1, 2010, and Ending April 30, 2011**

**Adopted by the
President and Board of Trustees
of the Village of Glen Ellyn
DuPage County, Illinois
this _____ day of _____, 2010**

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village
of Glen Ellyn, DuPage County, Illinois, this _____
day of _____, 2010

Ordinance No. _____

**An Ordinance Adopting the Annual Village of Glen Ellyn Expenditure Budget
in the Net Amount of \$42,277,249 Including the
Compensation Plan for the 2010/11 Fiscal Year
Beginning May 1, 2010, and Ending April 30, 2011**

Whereas, Village staff has prepared and presented to the President and Board of Trustees of the Village of Glen Ellyn a proposed annual budget for the 2010/11 fiscal year beginning May 1, 2010, and ending April 30, 2011; and

Whereas, following due and proper publication of public notice in The Glen Ellyn News on April 1, 2010, a public hearing was held on April 12, 2010, to consider the proposed annual budget for the 2010/11 fiscal year; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn deem it in the best interest of the Village to adopt the budget proposed by the Budget Officer, as revised at the direction of the Village Board of Trustees;

Now, Therefore, Be It Hereby Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

Section One: The annual expenditure Budget for the 2010/11 fiscal year, beginning May 1, 2010, and ending April 30, 2011, for the Village of Glen Ellyn, is in the gross amount of Forty Eight Million Sixty Six Thousand Four Hundred Forty Nine Dollars, (\$48,066,449); net budget exclusive of interfund transfers: Forty Two Million Two Hundred Seventy Seven Thousand Two Hundred Forty Nine Dollars (\$42,277,249) as set forth in Exhibit "A," referenced herein as though it were attached hereto, and as summarized in Exhibit "B" attached hereto and made a part hereof, is hereby adopted and authorized.

Section Two: The compensation plan for the Village of Glen Ellyn, a part of the budget for the 2010/11 fiscal year as set forth in Exhibit "C" attached hereto and made a part hereof, is hereby adopted, approved, and authorized.

Section Three: The President and Board of Trustees hereby delegate to the Village Manager, or in his absence the Acting Village Manager, the authority to make transfers within a department, provided such transfers do not exceed Ten Thousand Dollars (\$10,000) and further provided no revision of the budget shall be made increasing the budget in the event

funds are not available to effectuate the purpose of the revision.

Section Four: This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2010.

Ayes:

Nays:

Absent:

Approved by the President of the Village of Glen Ellyn, on the _____ day of _____, 2010.

Village President of the Village
of Glen Ellyn, Illinois

Attest:

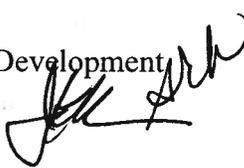
Village Clerk of the Village
of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 2010.)

MEMORANDUM

A-8

TO: Steve Jones, Village Manager

FROM: Staci Hulseberg, Director of Planning & Development
Joe Kvpil, Building and Zoning Official 

DATE: April 13, 2010

FOR: April 19, 2010 Village Board Workshop and April 26, 2010 Village Board Meeting

SUBJECT: 734 Main Street – Zoning Variation Request

Petition: John and Martha Schoenfeld are requesting a variation to construct a screen room addition resulting in a lot coverage ratio of 22.8%. The Zoning Code does not allow the area covered by roofed structures to exceed a lot coverage ratio of 20% on a lot with a two-story home. The subject property is an interior lot located on the west side of Main Street between Oak Street and Maple Street in the R2 Residential District.

Zoning Data: The property owners are requesting approval of a variation from the Glen Ellyn Zoning Code, Section 10-4-8(E)1, to allow the construction of a screen room addition to their two-story home resulting in a lot coverage ratio of 22.8% in lieu of the maximum permitted lot coverage ratio of 20%.

Public Hearing: The Zoning Board of Appeals conducted a public hearing on the requested variation on Tuesday, March 23, 2010. Notice of the public hearing was published in the Glen Ellyn News on March 4, 2010. At the meeting, no persons spoke in favor of or in opposition to the variation request. The Zoning Board of Appeals was in favor of the variation because they felt that the petitioners' existing outdoor living space suffered because of the adverse effects of improvements on neighboring property to the north, including flooding, and that the variation was minimal and would not alter the essential character of the locality. The Zoning Board of Appeals voted on a motion to recommend approval of the variation request. The motion carried with five (5) "yes" votes and one (1) "no" vote.

Village Board: It is requested that the Village Board consider the petitioners' request and the recommendation offered by the Zoning Board of Appeals. Staff has prepared an ordinance to approve the requested variation as recommended by the Zoning Board of Appeals.

Attachments:

- Minutes of ZBA meeting dated March 23, 2010
- Photo of the Subject Property
- Location Map
- Ordinance
- Notice of Public Hearing
- List of Addresses
- Petitioners' Application packet

cc: John and Martha Schoenfeld

DRAFT
ZONING BOARD OF APPEALS
MINUTES
MARCH 23, 2010

The meeting was called to order by Chairman Richard Garrity at 7:31 p.m. Board Members Gregory Constantino, Barbara Fried, Edward Kolar, Mary Ozog and Dale Siligmuller were present. Board Member Michael Waterman was excused. Also present were Trustee Liaison Pete Ladesic, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Chairman Garrity described the proceedings of the Zoning Board of Appeals.

Board Member Fried moved, seconded by Board Member Kolar, to approve the minutes of the March 9, 2010 Zoning Board of Appeals meeting. The motion carried unanimously by voice vote.

One public hearing was on the agenda for the property at 734 Main Street.

PUBLIC HEARING – 734 MAIN STREET

A REQUEST FOR APPROVAL OF A VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(E)1, TO ALLOW THE CONSTRUCTION OF A NEW SCREEN PORCH ADDITION TO AN EXISTING HOME THAT RESULTS IN A LOT COVERAGE RATIO OF 22.8% IN LIEU OF THE MAXIMUM PERMITTED LOT COVERAGE RATIO OF 20%.

(John and Martha Schoenfeld, owners)

Staff Report

Building and Zoning Official Joe Kvapil stated that John and Martha Schoenfeld, the owners of the property at 734 Main Street, are requesting a variation from the Zoning Code in order to construct a new screen porch addition to their existing home that results in a lot coverage ratio of 22.8% in lieu of the maximum permitted lot coverage ratio of 20%. Mr. Kvapil displayed various photographs of the subject property. He also displayed an area map and described the location of the subject property which is in the R2 Residential zoning district. Mr. Kvapil reviewed a history of building permits issued for the subject property and stated that Village records indicate no variations have been granted at that location. Mr. Kvapil displayed a site plan and indicated the location of the proposed screen porch addition at the rear and to the south of the home. He stated that the 175-square foot screen porch will increase the lot coverage ratio from a nonconforming 21.6% to 22.8%. Mr. Kvapil explained that the lot coverage ratio was reduced from 25% to 20% in 2002. He stated that the two exceptions that allow up to a 25% LCR are a straight-up addition over a house and the reconstruction of a destroyed house. The subject variation is not one of those exceptions.

Petitioners' Presentation

John and Martha Schoenfeld, the owners and petitioners, and Steven Poteracki, their architect, with Studio 1 Architects, 1105 Burlington Avenue, Western Springs, Illinois, were present. Mr. Poteracki stated that the current lot coverage ratio at the subject site is 21.6% and the petitioners are requesting a 1.2% increase to 22.8%. He stated that the subject house was originally designed to be under the 25% lot coverage ratio allowed at that time so that an addition could possibly be built in the future.

Mr. Schoenfeld stated that they moved into their home 10 years ago. He stated that when a new house was constructed next door to the north five years ago, two large oak trees were removed which destroyed the tree canopy. At that time, a large garage was also constructed within their back yard view which adversely affects their air and light. Mr. Schoenfeld also stated that there are now flooding issues in their back yard from the north and that they have installed plantings to try to mitigate the problem. He stated there are no water issues from the neighbors' property to the south. Mr. Schoenfeld added that the neighbors to the north have a swimming pool and outdoor parties which create a loss of privacy for the petitioners. As a result, the petitioners would like to "retreat" to the south side of their home and would like to construct a screen room to avoid mosquitos. The petitioners added that all of their neighbors are in favor of their variation request.

Responses to Questions from the ZBA

Mr. Schoenfeld responded to Mr. Constantino that the flooding does not create a hazardous condition and that the rear patio does not flood and will remain as is. Mr. Poteracki responded to Ms. Ozog that usable floor space in the sun room would be 12' x 12'.

Persons in Favor of or in Opposition to the Petition

No persons spoke in favor of or in opposition to the variation request.

Comments from the ZBA

All but one of the ZBA members were in favor of the variation requested by the petitioners. Those in favor felt that there were unique circumstances because the construction of a new house, garage and pool next door has created adverse effects for the petitioners that include water issues, diminished light and air and increased noise. They also felt that the variation request was minimal. Mr. Siligmuller stated that the petitioners kept their LCR under 25% when their home was built so that they could build an addition in the future, however, Mr. Kolar, who was opposed to the variation request, pointed out that the lot coverage ratio code change occurred seven years ago. Mr. Kolar suggested that staff check on the impervious surface area at the house to the north of the petitioners.

Motion

Ms. Fried moved, seconded by Ms. Ozog, to recommend that the Village Board approve a variation from the Glen Ellyn Zoning Code, Section 10-4-8(E)1 due to the unique circumstances that the construction of a new house, garage and pool next door has created adverse effects for the petitioners that include water issues, diminished light and air and increased noise. They also recommended approval because they felt that the variation request was minimal. The recommendation for approval was based on the conditions that the construction is in compliance with the plans as submitted at this public hearing and that the screen porch cannot be made into a year-round room.

The motion carried with five (5) "yes" votes and one (1) "no" vote as follows: Board Members Fried, Ozog, Constantino, Siligmuller and Chairman Garrity voted yes; Board Member Kolar voted no.

Trustee Report

No Trustee report was given.

Staff Report

Mr. Kvapil stated that the next regularly scheduled ZBA meeting will be cancelled and that there will be one item on the agenda for the April 27, 2010 meeting.

There being no further business before the Zoning Board of Appeals, the meeting was adjourned at 8:29 p.m.

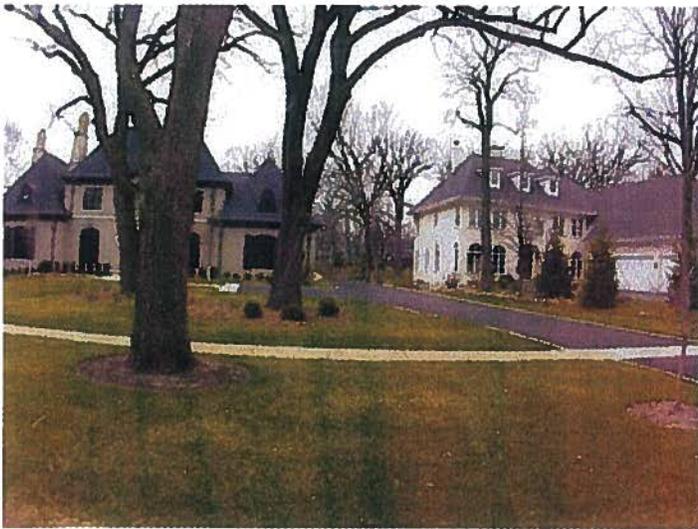
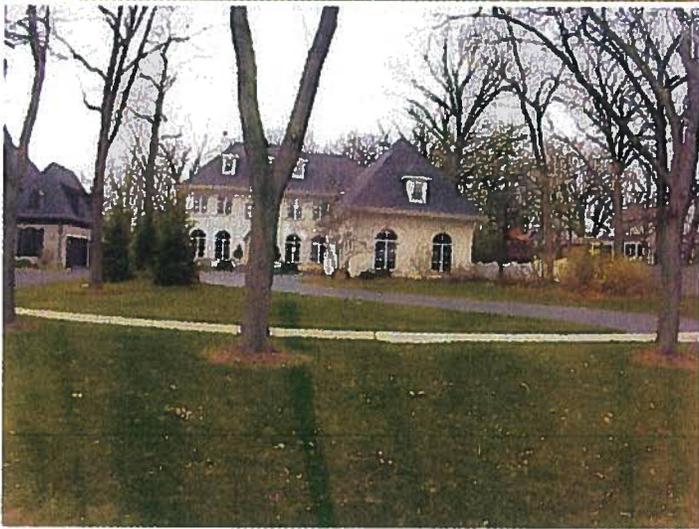
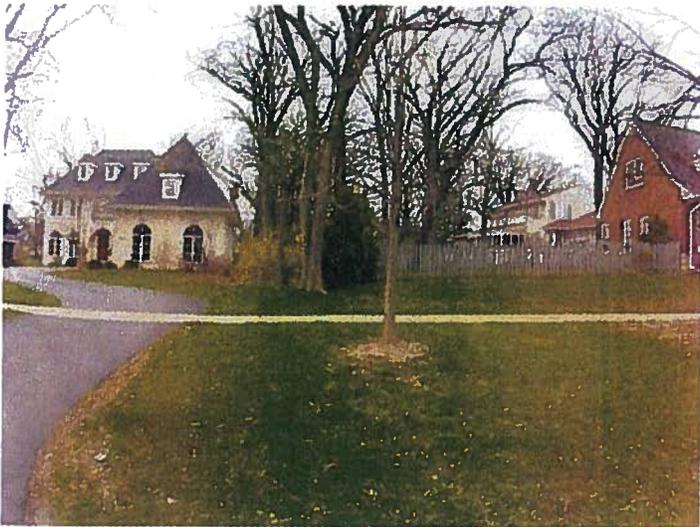
Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Joe Kvapil
Building & Zoning Official

734 MAIN STREET



Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving a
Variation of the Zoning Code to
Allow a Screen Porch Addition to
the Residence at 734 Main Street
Glen Ellyn, IL 60137**

**Adopted by the
President and Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
this ____ day of _____, 20 ____.**

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this ____
day of _____, 20 ____.

Ordinance No. _____

**An Ordinance Approving a
Variation of the Zoning Code to
Allow a Screen Porch Addition to
the Residence at 734 Main Street
Glen Ellyn, IL 60137**

Whereas, John and Martha Schoenfeld, owners of the property at 734 Main Street, Glen Ellyn, Illinois, which is legally described as follows:

The southerly 72.5 feet (measured on the west line) of Lot 4 (except the westerly 100 feet thereof) and (except any part thereof falling in the north 38 feet of the east 75 feet of the west 175 feet of said Lot 4 and (except any part thereof falling in the north 140 feet of the east 79.9 feet of the west 254.9 feet of Lots 4 and 5 as a tract) in Block 20 in Glen Ellyn Addition to Prospect Park, being a subdivision in Section 11, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded June 11, 1890 as document 42867, in DuPage County, Illinois.

P.I.N.: 05-11-110-014

have petitioned the President and Board of Trustees of the Village of Glen Ellyn for a variation from the Glen Ellyn Zoning Code, Section 10-4-8(E)1, to allow the construction of a one-story screen room addition resulting in a lot coverage ratio of 22.8% in lieu of the maximum permitted lot coverage ratio of 20% on a lot with a two-story home.

Whereas, following due notice by publication in the Glen Ellyn News not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on March 23, 2010, at which the petitioners presented

evidence, testimony, and exhibits in support of the variation request and no persons appeared in favor of or in opposition to the variation; and

Whereas, based upon the evidence, testimony, and exhibits presented at the public hearing on March 23, 2010, the Zoning Board of Appeals adopted findings of fact and, by a vote of five (5) “yes” and one (1) “no,” recommended that the variation be approved as set forth in its draft Minutes dated March 23, 2010, appended hereto as Exhibit "A"; and

Whereas, the President and Board of Trustees have reviewed the exhibits and evidence presented at the aforementioned public hearing and have considered the findings of fact and recommendations of the Zoning Board of Appeals; and

Whereas, the President and Board of Trustees make the following findings of fact:

- A. That the variation, if granted, will not alter the essential character of the locality or diminish or impair property values within the neighborhood since the resulting structure is designed to complement the home and is comparable to similar structures in the neighborhood;
- B. That the plight of the owner is due to unique circumstances since significant improvements on the adjacent property to the north have resulted in adverse effects on this property, including flooding, noise, lack of privacy and restricted light and air to existing outdoor living areas;
- C. That the practical difficulty has not been created by any persons presently having an interest in the property and has, in fact, been created by adjacent property owners;
- D. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property since the proposed improvements are intended for future use and quiet enjoyment of the property by the current owners;

E. That the Variation makes possible the reasonable use of the land and building since the variation is minimal, practical and results in a residence that is in accordance with the essential character of the locality; and

Whereas, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to grant the variation recommended by the Zoning Board of Appeals.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers, as follows:

Section One: The draft minutes of the March 23, 2010 Glen Ellyn Zoning Board of Appeals meeting, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the preambles above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Based upon the above findings of fact, the President and Board of Trustees hereby grant a variation from the Glen Ellyn Zoning Code, Section 10-4-8(E)1, to allow the construction of a one-story screen room addition resulting in a lot coverage ratio of 22.8% in lieu of the maximum permitted lot coverage ratio of 20% on a lot with a two-story home at 734 Main Street, Glen Ellyn, Illinois, which is legally described as follows:

The southerly 72.5 feet (measured on the west line) of Lot 4 (except the westerly 100 feet thereof) and (except any part thereof falling in the north 38 feet of the east 75 feet of the west 175 feet of said Lot 4 and (except any part thereof falling in the north 140 feet of the east 79.9 feet of the west 254.9 feet of Lots 4 and 5 as a tract) in Block 20 in Glen Ellyn Addition to Prospect Park, being a subdivision in Section 11, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded June 11, 1890 as document 42867, in DuPage County, Illinois.

P.I.N.: 05-11-110-014

Section Three: This grant of variation to construct the addition is conditioned upon the one-story, open screen porch structure to remain in the future as proposed, without any exterior enclosure

and without any second floor structure above and to be completed in substantial conformance with the signed Application for Variation and supporting documents received by the Planning & Development Department on March 12, 2010 and the testimony and exhibits provided at the March 23, 2010 Zoning Board of Appeals public hearing.

Section Four: The Building and Zoning Official is hereby authorized and directed to issue building permits for the subject property, consistent with the variation granted herein, provided that all conditions set forth hereinabove have been met and that the proposed construction is in compliance with all other applicable laws and ordinances. This grant of variation shall expire and become null and void twenty four (24) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on this variation is applied for within said twenty-four (24) month time period and construction is continuously and vigorously pursued provided, however, the Village Board, by motion, may extend the period during which permit application, construction, and completion shall take place.

Section Five: The Village Clerk is hereby authorized and directed to cause a copy of this Ordinance approving the variation to be recorded with the DuPage County Recorder of Deeds.

Section Six: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

Section Seven: Failure of the owner or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 10-10-18 "A" and "B" of the Village of Glen Ellyn Zoning Code.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2010.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Village President of the
Village of Glen Ellyn, Illinois

Attest:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____).



NOTICE OF PUBLIC HEARING

John and Martha Schoenfeld, owners of the property at 734 Main Street, are requesting a public hearing for a variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. The owners would like to modify the existing home by constructing a screen room addition resulting in a lot coverage ratio of 22.8%. The Zoning Code does not allow the area covered by roofed structures to exceed a lot coverage ratio of 20% on a lot with a two-story home. The Glen Ellyn Zoning Board of Appeals will conduct a public hearing to consider this Variation on **Tuesday, March 23 at 7:30 p.m.** on the third floor in the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Anyone is welcome to attend.

The property owners are requesting approval of a variation from the Glen Ellyn Zoning Code, Section 10-4-8(E)1, to allow the construction of a screen room addition resulting in a lot coverage ratio of 22.8% in lieu of the maximum permitted lot coverage ratio of 20% on a lot with a two-story home.

The property is zoned R2, Residential District, and is legally described as follows:

The southerly 72.5 feet (measured on the west line) of Lot 4 (except the westerly 100 feet thereof) and (except any part thereof falling in the north 38 feet of the east 75 feet of the west 175 feet of said Lot 4 and (except any part thereof falling in the north 140 feet of the east 79.9 feet of the west 254.9 feet of Lots 4 and 5 as a tract) in Block 20 in Glen Ellyn Addition to Prospect Park, being a subdivision in Section 11, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded June 11, 1890 as document 42867, in DuPage County, Illinois.

P.I.N.: 05-11-110-014

Plans related to the proposed addition are available for public review in the Planning and Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. If you have questions, please contact Joe Kvapil, Building & Zoning Official, at (630) 547-5244. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, contact Harold Kolze, ADA Coordinator, at (630) 547-5209.

(Published in the Glen Ellyn News on Thursday, March 4, 2010)

SEDALL, STEVEN & APRIL
OR CURRENT OWNER
571 OAK ST
GLEN ELLYN, IL 60137

MUELLER, JOSEPH & M F
OR CURRENT OWNER
535 OAK ST
GLEN ELLYN, IL 60137

SPEDER, WILLIAM & LAUREN
OR CURRENT OWNER
737 HIGHLAND
GLEN ELLYN, IL 60137

AGRUSS, ALICE J 43778
OR CURRENT OWNER
525 OAK ST
GLEN ELLYN, IL 60137

KRUSE, BRENT
OR CURRENT OWNER
511 OAK ST
GLEN ELLYN, IL 60137

FOSTER, JAMES & LESLIE
OR CURRENT OWNER
534 MAPLE ST
GLEN ELLYN, IL 60137

ANDRES, NICK T & ALISSA M
OR CURRENT OWNER
757 N MAIN ST
GLEN ELLYN, IL 60137

SLANSKY, MARLENE J TR
OR CURRENT OWNER
706 FOREST AVE
GLEN ELLYN, IL 60137

GHERARDINI, BERENICE
OR CURRENT OWNER
743 N MAIN ST
GLEN ELLYN, IL 60137

HINMAN, DAVID
OR CURRENT OWNER
541 OAK ST
GLEN ELLYN, IL 60137

RAUBE, DAVID
OR CURRENT OWNER
524 OAK ST
GLEN ELLYN, IL 60137

TOOMBS, MICHAEL L
OR CURRENT OWNER
730 HIGHLAND
GLEN ELLYN, IL 60137

RUCEIS, CHERYLE A
OR CURRENT OWNER
744 HIGHLAND AVE
GLEN ELLYN, IL 60137

HECHT, DAVID
OR CURRENT OWNER
572 OAK ST
GLEN ELLYN, IL 60137

GUSE JR, WILLIAM & SHERRY
OR CURRENT OWNER
710 MAIN ST
GLEN ELLYN, IL 60137

MIELE, LOIS V
OR CURRENT OWNER
736 FOREST AVE
GLEN ELLYN, IL 60137

SAUL JR, CHARLES & DIANNE
OR CURRENT OWNER
712 FOREST AVE
GLEN ELLYN, IL 60137

BATTISTO, DAVID V
OR CURRENT OWNER
536 OAK ST
GLEN ELLYN, IL 60138

SCHOENFELD, JOHN & MARTHA
OR CURRENT OWNER
734 N MAIN ST
GLEN ELLYN, IL 60137

KALINICH, KEVIN P
OR CURRENT OWNER
528 OAK ST
GLEN ELLYN, IL 60137

WOLAVER, JOHN F & MARY
OR CURRENT OWNER
716 FOREST
GLEN ELLYN, IL 60137

JEDLINSKI, RONALD J
OR CURRENT OWNER
728 N MAIN ST
GLEN ELLYN, IL 60137

ZDEBLICK, MICHAEL P & L L
OR CURRENT OWNER
540 OAK ST
GLEN ELLYN, IL 60137

O'FLYNN, PATRICK S & E A
OR CURRENT OWNER
724 FOREST AVE
GLEN ELLYN, IL 60137

MOODY, D & D FORTADO
OR CURRENT OWNER
744 N MAIN ST
GLEN ELLYN, IL 60137

BRIGGS, RYAN & DEBORAH
OR CURRENT OWNER
549 OAK ST
GLEN ELLYN, IL 60138

GIAMPOLI, ROY & DEBRA
OR CURRENT OWNER
720 FOREST AVE
GLEN ELLYN, IL 60137

O DONNELL TRUSTEE, HELEN
OR CURRENT OWNER
738 HIGHLAND
GLEN ELLYN, IL 60137

ELLIS, JAMES & NANCY
OR CURRENT OWNER
704 N MAIN ST
GLEN ELLYN, IL 60137

RANSFORD, RICHARD A
OR CURRENT OWNER
731 N MAIN ST
GLEN ELLYN, IL 60137

WILSON, MICHAEL
OR CURRENT OWNER
716 CRESCENT BLVD
GLEN ELLYN, IL 60137

AGORANOS, MICHAEL & P
OR CURRENT OWNER
731 HIGHLAND AVE
GLEN ELLYN, IL 60137

HAMILTON, TROY D & M E
OR CURRENT OWNER
754 N MAIN ST
GLEN ELLYN, IL 60137

SCHULTE, L & R HLADILEK
OR CURRENT OWNER
725 HIGHLAND AVE
GLEN ELLYN, IL 60137

PAYNE, TIMOTHY G
OR CURRENT OWNER
734 HIGHLAND AVE
GLEN ELLYN, IL 60137

MCCAFFREY, JOSEPH S
OR CURRENT OWNER
581 OAK ST
GLEN ELLYN, IL 60137-1895

CHANDLER, LESLIE & C
OR CURRENT OWNER
760 N MAIN ST
GLEN ELLYN, IL 60137

FAIR, C JAMES & CHARMAINE
OR CURRENT OWNER
715 MAIN ST
GLEN ELLYN, IL 60137

MARKETTI, JAMES & J
OR CURRENT OWNER
735 N MAIN ST
GLEN ELLYN, IL 60137

SCHEMMEL, ROBERT & MARY
OR CURRENT OWNER
874 SADDLEWOOD DR
GLEN ELLYN, IL 60137

COOPER, RANSFORD & JANICE
OR CURRENT OWNER
733 HIGHLAND AVE
GLEN ELLYN, IL 60137

KVAPIL, JOSEPH K
OR CURRENT OWNER
720 HIGHLAND AVE
GLEN ELLYN, IL 60137

HARDY, RICHARD & MELISSA
OR CURRENT OWNER
719 HIGHLAND AVE
GLEN ELLYN, IL 60137

ALCORN IV, CHARLES & R
OR CURRENT OWNER
715 HIGHLAND AVE
GLEN ELLYN, IL 60137

KAVIEFF, SHELDEN M
OR CURRENT OWNER
727 HIGHLAND AVE
GLEN ELLYN, IL 60137

HOLZ, STEPHEN J
OR CURRENT OWNER
721 N MAIN ST
GLEN ELLYN, IL 60137

GRAMLICH, PATRICIA A
OR CURRENT OWNER
705 N MAIN ST
GLEN ELLYN, IL 60137

BAER, DAVID
OR CURRENT OWNER
562 MAPLE AVE
GLEN ELLYN, IL 60137

VILLAGE OF GLEN ELLYN
535 Duane Street
Glen Ellyn, Illinois 60137
(630) 547-5250



APPLICATION FOR VARIATION

Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Planning and Development Department.

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: Studio 1 Architects (Steven K. Poteracki)
Address: 1105 Burlington Ave. Western Springs IL 60558
Phone No.: 708.783.1124
Fax No.: 708.783.1125
E-mail: Steve @ Studio1architects.net
Ownership Interest in the Property in Question: None
I am owners architect

II. INFORMATION REQUIRED BY SECTION 10-10-10(B) OF THE ZONING CODE, IF APPLICABLE:

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

Name and address of the legal owner of the property (if other than the applicant):

John & Martha Schoenfeld
734 Main St. Glen Ellyn IL. 60137

Name and address of the person or entity for whom the applicant is acting (if the applicant is acting in a representative capacity):

Same as above

Is the property in question subject to a contract or other arrangement for sale with the fee owner? (Circle "Yes" or "No")

YES

NO

If YES, the contract purchaser must provide a copy of the contract to the Village and must either be a co-petitioner to this application or submit the attached Affidavit of Authorization with the application packet.

Is the property in question the subject of a land trust agreement? (Circle "Yes" or "No")

YES

NO

If YES, (1) either the trustee must be a co-petitioner or submit the attached Affidavit of Authorization from the trustee to represent the holders of the beneficial interests in the trust and (2) the applicant must provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests", Chapter 148, Section 71 et seq., Illinois Revised Statutes, signed by the trustee.

III. PROPERTY INFORMATION:

Common address: 734 N. Main St.

Permanent tax index number: 05-11-110-014

Legal description: See attached sheet

Zoning classification: R-2

Lot size: 201.67 ft. x 74.76 ft. x 185.6 x 71.48 Area: 13,841 sq. ft.

Present use: Single Family Residential

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

We are seeking a variation to increase lot coverage from the existing 21.6% up to 22.8%. The intended use of property will remain single family Residential. The section of the zoning code is chapter 4 10-4-B-E-1.

Estimated date to begin construction: April 2010

Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):

Architect: Steven K. Peteracki / Studio 1 Architects

V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

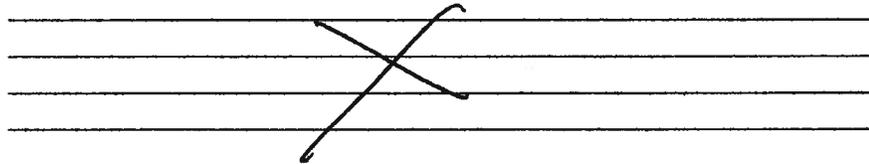
The following items are intended to elicit information to support conclusions by the ZBA or PC and the Village Board that the required findings/standards for a variation under the Zoning Code have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested:

1. Provide evidence that due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code:

The property at 734 N. Main was built under a less restrictive zoning code, therefore no screen room would be allowed. The wooded lots adjacent to the property contribute to a heavy mosquito population which is reason for the screen room.

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code (i.e., without one or more variations):



OR

- b. Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

The circumstances were the cause of a major revision to the zoning code, which reduced lot coverage from 25% to 20%.

3. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

The variation requested will not alter the character of the locality. The screen room will be added to the rear of the residence & will compliment the character of the locality.

- B. For the purpose of supplementing the above standards, the ZBA or PC, in making its recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out:

Regardless of size of proposed screen room due to existing L&R Non-Conformity any size screen room would be prohibited if the strict letter of zoning code were to be carried out.

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

The footprint of the home was determined under a less restrictive zoning code

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

There is no intention by the homeowners to sell the property in the ~~near~~ for seeable future.

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant.

The hardship was not created by the current owners. The zoning code revision was changed after the home was built.

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located

The addition of a screened Room will not affect the neighborhood in any detrimental or injurious way. It will actually provide a safe exterior space ~~predestined~~ for the homeowners.

6. Provide evidence that the proposed variation will not:

- a. Impair an adequate supply of light and air to adjacent property;

The proposed Screen Room is approximately 35'-0" from South neighbors home

- b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;

It will Not

- c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;

It will Not

d. Diminish or impair property values within the neighborhood;

NO

e. Unduly increase traffic congestion in the public streets and highway;

NO

f. Create a nuisance; or

NO

g. Results in an increase in public expenditures.

NO

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.

Based upon standard outdoor furniture sizes & minimum circulation ~~the~~ requirements the proposed screen room is the minimum size it should be.

8. Please add any comments which may assist the Zoning Board of Appeals of Appeals in reviewing this application.

The existing home was designed in 2002 under a previous ZONING Code. The Code at the time allowed for 25% LCR. The existing home is at 26% LCR. At the time there was ample remaining LCR to provide for an addition.

VI. EVIDENCE RELATING TO FLOOD HAZARD VARIATION REQUESTS

The following items must be completed only if the requested variation is from Chapter 6 of the Zoning Code (relating to Flood Hazard Land Use Regulations.) If no such variation is being requested, the applicant should skip this section and complete Section VII below.

A. Items applicable only to variation requested from the requirements of Chapter 6 of the Zoning Code (relating to Flood Hazard Land Use Regulations) that, if granted, would result in a structure not being protected to the elevation of the base flood.

1. Provide evidence that the structure is to be located on a lot contiguous to and surrounded by lots with existing structures constructed below the base flood level.

2. Provide evidence that the applicant has acknowledged that (a) such construction below the base flood level will increase the risk to life and property and that the applicant proceeds with knowledge of these risks; and (b) any variation is contingent upon the applicant obtaining approval from other agencies having jurisdiction when the variance violates the requirements of such agencies.

B. Items applicable only to variations requested from the requirements in Chapter 6 of the Zoning Code (relating to Flood Hazard Land Use Regulations) that, if granted, would significantly impede or increase the flow and passage of floodwaters.

1. Provide evidence that the use will not result in an increased flood height greater than 0.1 feet within the designated regulatory floodway.

2. Provide evidence that the resulting increase in the base flood elevations will not affect any existing structures or utilities.

3. Provide evidence that the owners of the properties affected by the increased base flood elevation are compensated for the resulting effect on property values, and they give their written agreement to granting the variation.

4. Provide evidence that the resulting increased flood elevations will not affect any flood protection structures.

VII. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Zoning Variation Request Package and applicable provisions of the Glen Ellyn Zoning Code.

I (We) consent to accept and pay the cost to publish a notice of Public Hearing as submitted on an invoice from the publishing newspaper. I (we) understand that our request will not be scheduled for a Village Board agenda until and unless this invoice is paid.



Signature of Applicant(s)

2/12/2010
Date filed

REIMBURSEMENT OF FEES AGREEMENT

Village of Glen Ellyn Acct: # _____

Initial Deposit Amount: _____

I. DESCRIPTION OF PROJECT: Single Family Residential

II. OWNER:

- A. Owner of Property: John & Martha Schoenfeld
B. Owner's Address: 734 N. Main Street Glen Ellyn IL 60137
C. Owner's Home Phone Number: 630.469.0088 Fax: _____
D. Owner's Work Phone Number: _____
E. Owner's E-mail: _____
F. If Owner is a Land Trust or Corporation, the attached disclosures of interest should be filled out.

III. PERSON MAKING REQUEST (Petitioner):

- A. Name of Petitioner: Steven K. Poterack
B. Petitioner's Address: 1105 Burlington Ave. Western Springs IL 60558
C. Petitioner's Home Phone Number: _____
D. Petitioner's Work Number: 708-783-1124
E. Petitioner's E-mail: Steve @ Studio2architects.net

IV. LOCATION OF PROPERTY:

- A. General Location of Property: 734 N. Main Street Glen Ellyn
B. Acreage of Parcel: .317
C. Permanent Index Number(s): 05-11-110-014
D. Legal Description (Please attach)

V. REIMBURSEMENT OF FEES:

The Ordinances of the Village require the owners of property, or individuals seeking to utilize property, to receive approval by ordinance or the issuance of a permit to undertake various uses or improvements of property in the Village. These uses can include requests for textual or map changes in the Zoning Ordinance, applications for building permits, requests for zoning relief and other similar requests. The Village has established a fee schedule for the anticipated use of staff time in processing such petitions or applications. In many cases, however the Village cannot reasonably evaluate the validity or compliance of the petition or application with the Ordinances of the Village without the use of reports from various consultants. In some cases, the application or petition requires among other things, public hearings and associated public notice costs, preparation of minutes or transcripts from the public hearing or meeting, recording costs of Ordinances and the preparation of reports by consultants whose services require the payment of out-of-pocket expenses by the Village. These expenses would not have been incurred but for the petition or application. The Village does not intend to seek to make a profit on its utilization of such consultants, but requires that the applicant, or the person receiving benefit, shall be obligated to reimburse the out-of-pocket expenses incurred by the Village. The Village shall seek to employ consultants who shall charge rates consistent with those paid by private parties who seek similar consulting services. The Village intends, through this Agreement, to cause the payment of out-of-pocket expenses and to require the creation of an escrow fund to guarantee that the petition or

application will not result in the citizens of the Village being required to pay for costs incurred at the request of the owner or applicant.

This document shall constitute a contract when an application is made for a license, permit, request for zoning relief or other approval involving the use of real property. Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any application or petition filed by the petitioner then the petitioner and owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the Village. The Planning and Development Director is hereby authorized to assign the above described services to the Village staff or to consultants, as the Director deems appropriate and without prior notification to the petitioner.

Any application or petition to be reviewed by the Planning and Development Department or by the Plan Commission or Architectural Review Commission shall require the petitioner to establish an escrow account with the Village in an amount determined by the Planning and Development Director to reimburse the Village for all out of pocket costs associated with the request. These out of pocket costs will cover such things as services provided by the Village's consulting engineer, consulting attorney, consulting planner, traffic consultant, wetland consultant, landscape consultant, architectural consultant, appraiser and transcriber, among others, as well as reproduction costs, public hearing notice costs, recording costs, etc. Along with the application the petitioner shall also submit a signed copy of this agreement thereby acknowledging and agreeing to reimburse the Village for all out of pocket costs associated with the application or petition.

This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Planning and Development but shall be no less than \$500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall deposit funds to reimburse the Village for those expenses upon notice from the Village that the deposit has dropped below \$500. If the expenses are not reimbursed, then reviews meetings and permits associated with out of pocket costs will cease, and the request will not be moved forward through the review process. At the completion of the review process, and development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

The Village shall deduct the incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$500.00, the petitioner, upon notice by the Village, shall be required to replenish the deposit to its initial amount. The Village shall mail the petitioner regular invoices for the fees and costs incurred. The petitioner shall replenish the deposit amount within thirty (30) days of issuance of each such invoice directing replenishment of the deposit.

A petitioner who withdraws his or her petition may apply in writing to the Planning and Development Director for a refund of his or her remaining escrow balance. The Planning and Development Director may, at his or her discretion, approve such refund less any actual fees and costs, which the Village has already paid or incurred relative to the application.

Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, reviews of any plans or applications, the granting of any relief or approvals, issuance of any permits or occupancies, performance of inspections and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, apply any or all of the initial deposit to the outstanding balance due. In the event that such amounts are not paid in full within sixty (60) days after the date when the statement of such amounts due is delivered or deposited in the U.S. mail by the Village, such amounts due shall be deemed delinquent and thereafter a delinquency charge of one percent (1%) per month, or portion thereof, with a minimum delinquency charge of \$5.00 per month, shall be added to the amount due until such amount due, including all delinquency charges, is received by the Village.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

Any remaining balance of any funds deposited pursuant to this Agreement shall be refunded at such time as the completion of Village deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, issuance of a building permit, approval of a final inspection, or issuance of a final certificate of occupancy upon the real property in question whichever occurs later.

BY SIGNING BELOW, THE PETITIONER AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER AND OWNER AGREE THAT PETITIONER AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION, AS SET FORTH HEREIN.



 Petitioner

Village of Glen Ellyn



 Owner

By: _____
 Planning and Development Director

Date: 2/11/00

Date: _____

AFFIDAVIT OF AUTHORIZATION

I, John A. Schoenfeld owner of the property described as

734 N. Main St Glen Ellyn IL 60137

verify that STEVEN POKORSKI
is duly authorized to apply and represent my interests before the Glen Ellyn Architectural Review Commission, Plan Commission, Zoning Board of Appeals and/or Village Board. Owner acknowledges that any notice given applicant is actual notice to owner.

Marilyn Howard
NOTARY

John A. Schoenfeld
OWNER



A-9

MEMO

TO: Phil Norton, Chief of Police

FROM: Robert Acton, Deputy Chief of Police



DATE: March 10, 2010

SUBJECT: **DRAFT ORDINANCES FOR VILLAGE BOARD CONSIDERATION:
ADMINISTRATIVE ORDINANCE HEARING DEPARTMENT AND
VEHICLE SEIZURE & IMPOUNDMENT**

The Department has prepared two new ordinances for consideration before the Village Board. The first will establish a code hearing department and system of local adjudication for the purpose of expediting the adjudication of all eligible violations of Village Code. The second ordinance will establish a fee for recovering reasonable costs associated with towing and impounding motor vehicles. These ordinances have been drafted and reviewed by Village attorneys and administration.

In establishing a system of local adjudication, the Village will provide the opportunity to attend a monthly hearing to all individuals who are cited under specified municipal code. A hearing officer will preside and make final determinations of liability, including the assignment of fines and costs when applicable. The role of the hearing officer, also known as a local law judge, will be filled by a qualified attorney with training and experience in municipal code. A code administrator, also established under the ordinance, will operate and manage the system, including the sending of notices and collection of fines and fees. The code administrator will also be authorized to maintain a computer software program designed to input and track violation notices, establish hearing dates and record the collection of fines. The code administrator responsibilities will be assigned to a current Department employee, as will the remainder of the ancillary roles and tasks described in the ordinance.

The second ordinance provides for vehicle seizure and impoundment. In the routine course of their duties, police officers frequently arrest individuals for a variety of offenses while they are operating a motor vehicle. In these circumstances, the Department is obligated to spend time securing the arrestee's vehicle to make certain it is not a danger to traffic, left in a condition that may subject it to vandalism or otherwise impact established parking regulations. This ordinance will establish a fee to cover the costs associated with impounding vehicles under these conditions. This ordinance will also apply to the impounding of vehicles that are subject to immediate tow under the provisions set forth under the system of local adjudication.

Please contact me if you have any questions.

VILLAGE OF GLEN ELLYN

ORDINANCE NO. _____ -VC

AN ORDINANCE TO ADD TO TITLE 1, "ADMINISTRATIVE" A NEW CHAPTER 12
OF THE VILLAGE CODE OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS

REGARDING ADMINISTRATIVE ORDINANCE HEARING DEPARTMENT

ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE
VILLAGE OF GLEN ELLYN
DUPAGE COUNTY, ILLINOIS

THIS _____ DAY OF _____, 20____.

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County,
Illinois, this _____ day of
_____, 20____.

**VILLAGE OF GLEN ELLYN
DUPAGE COUNTY, ILLINOIS**

ORDINANCE NO. _____

**AN ORDINANCE PROVIDING FOR
ADMINISTRATIVE ORDINANCE HEARING DEPARTMENT.**

WHEREAS, the Village of Glen Ellyn (“Village”) is an Illinois home rule municipality organized and operating under the Constitution and Laws of the State of Illinois, including but not limited to Article 1, Division 2.1 of the Illinois Municipal Code, 65 ILCS 5/1-2.1-1, et seq. (the “Code”); and

WHEREAS, the Village is granted the authority under the Code to establish a code hearing unit and operate a system of administrative adjudication for the purpose of expediting the prosecution and correction of municipal code violations; and

WHEREAS, the system of administrative adjudication may be given jurisdiction to hear cases alleging a violation of any municipal ordinance, except for (i) proceedings not within its home rule authority; and (ii) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code; and

WHEREAS, the Corporate Authorities finds it to be in the best interest of the Village and the residents thereof to establish a code hearing department and system of administrative adjudication for the purpose of expediting the prosecution and correction of all eligible violations of the Glen Ellyn Village Code.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: There shall be added to Title 1, “Administrative,” of the Glen Ellyn Village Code, a new Chapter 12, “Administrative Ordinance Hearing Department,” which shall be as described in Exhibit A to this ordinance, which shall be incorporated as though fully set forth herein and made a substantive portion hereof.

CHAPTER 12

ADMINISTRATIVE ORDINANCE HEARING DEPARTMENT

ARTICLE 1. GENERAL PROVISIONS

- 1-12-1: **PURPOSE.**
- 1-12-2: **DEFINITIONS.**
- 1-12-3: **NON-EXCLUSIVITY.**
- 1-12-4: **CODE HEARING DEPARTMENT; ESTABLISHMENT; JURISDICTION.**
- 1-12-5: **CODE HEARING DEPARTMENT; ORGANIZATION.**
- 1-12-6: **COMPENSATION OF CODE HEARING PERSONNEL.**
- 1-12-7: **COMMENCEMENT OF HEARINGS.**
- 1-12-8: **HEARING PROCEDURES.**
- 1-12-9: **ENFORCEMENT OF JUDGMENT.**

ARTICLE II. ADDITIONAL PROVISIONS RELATING TO MOTOR VEHICLE CITATIONS AND ADMINISTRATIVE TOWING/IMPOUNDMENT SERVICES

- 1-12-10: **ENFORCEMENT OF MOTOR VEHICLE VIOLATIONS; CITATIONS.**
- 1-12-11: **DETERMINATION OF LIABILITY; MOTOR VEHICLE CITATIONS.**
- 1-12-12: **LESSOR OF VEHICLE--LIABILITY.**
- 1-12-13: **NOTICE OF FINAL DETERMINATION OF LIABILITY.**
- 1-12-14: **IMMOBILIZATION PROGRAM.**
- 1-12-15: **DRIVER'S LICENSE SUSPENSION.**

ARTICLE 1. GENERAL PROVISIONS

§1-12-1: **PURPOSE:**

The purpose of this Chapter is to provide for a fair and efficient system of enforcement of Village ordinances as may be allowed by law and directed by ordinance, through the administrative adjudication of violations of such Village ordinances and by establishing a schedule of fines and penalties, and authority and procedures for collection of unpaid fines and penalties.

§1-12-2: **DEFINITIONS:**

For the purpose of this Chapter, the words described below shall have the meanings ascribed to them herein unless the context in which such terms are used requires otherwise:

CODE: Any municipal ordinance, law, rule, regulation or code set forth in Titles 3 through 9, inclusive, except (i) such ordinances for which the potential penalty described therein includes a period of incarceration, and (ii) any offense under the Illinois Vehicle Code or a similar offense

that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.

OWNER: (1) For the purpose of a violation relating to real property, the person to whom the County Collector sent the last ascertainable tax bill. (2) For the purpose of a violation relating to motor vehicles, the person to whom the motor vehicle is registered, as provided by the records of the Secretary of State of Illinois. Any person so described herein may present evidence to overcome the presumption that such person is the owner of the property and/or motor vehicle for which the person received a notice of violation.

HEARING OFFICER: A person appointed by the Village President to preside over Administrative Hearings, as set forth in this Chapter.

§1-12-3: NON-EXCLUSIVITY:

The provisions of this Chapter shall not preclude the Village from using other methods or proceedings to enforce the Village Code, including, but not limited to, the institution of any action in the Circuit Court of DuPage County, Illinois, or any administrative proceeding.

§1-12-4: CODE HEARING DEPARTMENT; ESTABLISHMENT; JURISDICTION:

There is hereby created within the Village of Glen Ellyn a Code Hearing Department, which is authorized to provide for and operate a “system of administrative adjudication,” as more fully described herein, which shall have jurisdiction over the adjudication and enforcement of any violation of the Code.

§1-12-5: CODE HEARING DEPARTMENT; ORGANIZATION:

The Code Hearing Department shall be comprised of a Hearing Officer, a Code Administrator, the Chief of Police, or his designee, and any other duly appointed person or persons deemed necessary for the efficient administration of the Code Hearing Department, with the following powers and authority:

(A) Hearing Officer.

1. All adjudicatory hearings shall be presided over by a Hearing Officer. Prior to conducting administrative adjudication hearings, the Hearing Officers shall have successfully completed a training program which includes the following:
 - a. Instruction on the rules of procedure of the administrative adjudication hearings that they will conduct and preside over;
 - b. Orientation to each subject area of the Code for which they may adjudicate a violation;

- c. Observation of administrative adjudication hearings; and
 - d. Participation in hypothetical cases, including ruling on evidence and issuing final orders.
2. In addition, a Hearing Officer must be an attorney in good standing licensed to practice law in the State of Illinois for at least three (3) years. A Hearing Officer may not be an inspector or law enforcement officer employed by the Village.
 3. Hearing Officers are hereby authorized, empowered and directed to:
 - a. Hear testimony and accept evidence that is relevant to the existence of an ordinance violation;
 - b. Issue subpoenas directing witnesses to appear and give relevant testimony or tangible items at an administrative adjudication hearing, upon the request of the parties or their representatives.
 - c. Preserve and authenticate the record of the administrative adjudication hearings, including all exhibits and evidence introduced at the hearing;
 - d. Issue a determination, based on the evidence presented at the administrative adjudication hearing, of whether a Code violation occurred or exists. The Hearing Officer's determination shall be in writing and shall include written findings of fact and law and an order, including the fine, penalty or other action with which the defendant must comply; and
 - e. Impose penalties consistent with the applicable Code and assess costs upon finding a party liable for the charged violation, except, however, that in no event shall the Hearing Officer have authority (i) to impose a penalty of incarceration, or (ii) impose a fine in excess of \$50,000.00. The maximum monetary fine under this item (e) shall be exclusive of costs of enforcement or costs incurred by the Village to secure compliance with the Code or an order issued under this Chapter and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the Village.

(B) Code Administrator: The Code Administrator shall either be an employee of the Village of Glen Ellyn appointed by the Village Manager based on the recommendation of the Chief of Police, an independent contractor or agency contracted by the Village to perform such duties as enumerated herein. The Code Administrator shall serve as the traffic compliance administrator described in Chapter 11, Article II of the Illinois Vehicle Code, 625 ILCS 5/11-208.3. The Code Administrator is hereby authorized, empowered and directed to:

1. Operate and manage the system of administrative adjudication of all Code violations as may be permitted by law;

2. Adopt, distribute and process all notices as may be required under this Chapter or as may reasonably be required to carry out the purpose of this Chapter;
3. Collect moneys paid as fines and/or penalties assessed after a final determination of liability;
4. Certify copies of final determinations of all Code violations adjudicated pursuant to this Chapter, and any factual reports verifying the final determinations of liability which were issued in accordance with this Chapter or the laws of the State of Illinois, including 625 ILCS 5/11-208.3, as from time to time amended.
5. Certify reports to the Secretary of State concerning initiation of suspension of driving privileges in accordance with the provisions of this Chapter and those of 625 ILCS 5/6-306.5;
6. Promulgate rules and regulations reasonably necessary for the efficient operation and maintenance of the system of administrative adjudication hereby established; and
7. Collect unpaid fines and penalties through private collection agencies that may be retained by the Village or by requesting the Village Prosecutor to act on behalf of the Village in pursuing all post-judgment remedies available under current law.

(C) Automation. The Code Administrator is hereby further authorized, empowered and directed to operate and maintain a computer program for the system of administrative adjudication hereby established, on a day-to-day basis, including, but not limited to:

1. Inputting of violation notice information;
2. Establishing hearing dates and notice dates;
3. Recording fine and penalty assessment and payments;
4. Issuing payment receipts;
5. Issuing all notices required by this Chapter and the Illinois Vehicle Code. Nothing in this section is intended to preclude the Code Administrator from including one or more notices in the same notice report; and
6. Keeping accurate records of appearances and non-appearances at administrative adjudication hearing, pleas entered and fines and other penalties assessed and paid.

(D) Police Personnel. The Chief of Police shall appoint and/or designate a police officer to provide security for the administrative adjudication hearings, and such officers are hereby authorized and directed to:

1. Maintain hearing room decorum;

2. Execute authority as granted to courtroom deputies of the Circuit Court; and
3. Perform such other duties or acts as may be reasonably required and as directed by the Hearing Officer or the Code Administrator.

§1-12-6: COMPENSATION OF CODE HEARING DEPARTMENT PERSONNEL:

Authorization for compensation for each of the above-stated positions shall be made by the Village Board through the annual budget or appropriation process. Compensation shall be determined by the Village Manager within approved appropriation limitations.

§1-12-7: COMMENCEMENT OF HEARINGS:

(A) A proceeding before a Hearing Officer shall be instituted upon the filing with the Code Administrator of a written sworn pleading, complaint or citation by any authorized official of the Village, including police officers, code enforcement officers, and such other employees as authorized.

In the event a complaint causing the initiation of a hearing is filed by a tenant or occupant of a dwelling who is not also the owner thereof, no action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding, whether it be civil or criminal, shall be threatened or instituted against such tenant or occupant solely because such tenant or occupant files such complaint or agrees to testify or present tangible evidence at an administrative adjudication hearing. The foregoing sentence shall not apply if the owner proves by a preponderance of the evidence that such tenant or occupant is the proximate cause of the violation for which the hearing is commenced.

(B) Defendants shall be served with a copy of the written sworn pleading, complaint or citation along with a notice of hearing in a manner reasonably calculated to give them actual notice of the proceeding instituted against them, by one or more of the following means:

1. Personal service upon a party or its employees or authorized agents;
2. Service by certified mail, return receipt requested, at the party's last known address;
3. Service by first class mail, postage prepaid, at the party's last known address; or
4. If the party's last known address cannot be ascertained after a diligent search, by posting a copy of the sworn pleading, complaint or citation in a conspicuous place upon the property or motor vehicle where the violation is found when the party is the Owner of the property or motor vehicle.
5. Any notice presented by first class or certified mail, or by posting, shall be deemed served upon the deposit of such notice in the U.S. Mail or the posting of such notice.

(C) Notices of hearing shall include:

1. The type and nature of the ordinance violation to be adjudicated, including a citation to the appropriate section of the Code;
2. The date and time of the administrative adjudication hearing or, for violations described in Article II, of the opportunity to request a hearing;
3. The fines and/or penalties which may be assessed upon a finding of liability for the cited violation;
4. The penalties for failure to appear at the hearing and late payment penalties, if any; and
5. Any witnesses or complainants who may be called to testify for the Village who are not employees or officers thereof.
6. For violations described in Article II, warnings that (a) failure either to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of liability for the cited violation in the amount of the fine or penalty indicated, and (b) upon the occurrence of a final determination of liability and the failure, the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.

(D) Administrative adjudication hearings shall be scheduled and docketed by the Code Administrator no less than 15 and no more than 30 days after the notice of hearing is served on the defendant.

§1-12-8: HEARING PROCEDURES:

(A) Parties shall be provided with an opportunity for a hearing before or during which they may exercise any or all of the following rights:

1. Be represented by counsel, although defendants shall not be entitled to have an attorney appointed to represent them;
2. Present and cross-examine witnesses;
3. Request the Hearing Officer to issue subpoenas to direct the attendance and testimony of relevant witnesses or the production of relevant tangible evidence.

(B) Rules of Evidence Shall Not Govern. The formal and technical rules of evidence shall not apply in an administrative adjudication hearing authorized under this Chapter. Evidence,

including hearsay, may be admitted only if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(C) Standard of Proof. Administrative adjudication hearings are civil in nature. The Village shall bear the standard of proof to prove by a preponderance of the evidence the occurrence or existence of a violation of the Code. For violations described in Article II of this Chapter, a sworn, written pleading, complaint or citation shall constitute prima facie evidence of the violation.

(D) Recording of Hearings. The Code Administrator shall cause all hearings conducted under this Chapter to be audio recorded. Notwithstanding whether any person elects to audio or video record any hearing conducted under this Chapter, the recording preserved by the Code Administrator shall be the official record of the proceedings.

(E) Defenses. It shall be a defense to a Code violation charged under this Chapter if the Owner, his attorney, or any other agent or representative proves to the Hearing Officer's satisfaction that:

1. The Code violation alleged in the notice did not in fact exist at the time of the citation, pleading or complaint;
2. The Code violation has been caused by the current property occupants and that in spite of reasonable attempts by the Owner to maintain the dwelling free of such violations, the current occupants continue to cause the violations; or
3. An occupant or resident of the dwelling has refused entry to the Owner or his agent to all or a part of the dwelling for the purpose of correcting the Code violation(s).
4. The Code violation alleged in the notice occurred before the Owner became the owner of the real or personal property. Notwithstanding the foregoing sentence, any existing order to correct a Code violation and/or sanctions imposed by the Village as a result of a finding of a Code violation under this Chapter shall attach to the property as well as to the Owner of the property, so that a finding of a Code violation against one Owner cannot be avoided by conveying or transferring the property to another Owner. Any subsequent transferee or Owner of the property takes the same subject to the findings, decision and order of a Hearing Officer under this Chapter.

(F) Continuances. No continuances shall be authorized by a Hearing Officer for any administrative adjudication hearing commenced under this Chapter except in cases where a continuance is necessary to protect the due process rights of the defendant or Owner. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a Hearing Officer shall not extend beyond the next scheduled hearing date.

(G) Judicial Review. Any final decision by a Hearing Officer that a Code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq., or as hereinafter amended. Any person filing for judicial review under the Administrative Review

Law shall be subject to the assessment of costs for the preparation and certification of the record of proceedings before the Hearing Officer. Such cost shall be assessed to recompense the Village's for its actual cost of producing and certifying the record of proceedings. Any failure to pay such fee shall subject the party seeking review to the provisions of 735 ILCS 5/3-109, including dismissal of the complaint on motion of the Village.

§1-12-9: ENFORCEMENT OF JUDGMENT:

(A) Any fine, other sanction or costs imposed, or part of any fine, other sanction or cost imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law are a debt due and owing the Village of Glen Ellyn and may be collected in accordance with applicable law.

(B) Failure of the defendant to pay such fine or penalty after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law may result in, if applicable: (1) the immobilization of the person's vehicle for failure to pay fines or penalties for five or more parking violations and (2) the suspension of the person's driver's license for failure to pay fines or penalties for ten or more parking violations.

(C) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of an ordinance violation, unless stayed by a court of competent jurisdiction, the findings, decision and order of the Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(D) In any case in which a defendant has failed to comply with a judgment ordering that defendant to correct an ordinance violation or imposing any fine or other sanction as a result of an ordinance violation, any expenses incurred by the Village to enforce the judgment entered against that defendant, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a Hearing Officer, shall be a debt due and owing the Village of Glen Ellyn and may be collected in accordance with applicable law.

Prior to any expenses being fixed by the a Hearing Officer pursuant to this subsection (D), the Code Administrator shall serve a notice to the defendant that states that defendant shall appear at a hearing before the Hearing Officer to determine whether the defendant has failed to comply with the judgment. The notice shall set forth the date for such hearing, which shall not be less than seven (7) days from the date service is effective, as provided in Section 1-12-7.

(E) Upon being recorded in the manner required by Article XII of the Illinois Code of Civil Procedure (735 ILCS 5/11-121 et seq.), or by the Uniform Commercial Code (810 ILCS 5/1-101 et seq.), a lien shall be imposed on the real estate or personal property, or both, of the defendant in the amount of any debt due and owing the Village under this Chapter. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(F) The Hearing Officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed by the defendant within twenty-one (21) days after the issuance of the order of default, if the Hearing Officer determines that the defendant's failure to appear at the hearing was for good cause, or at any time if the defendant establishes, by a preponderance of the evidence, that the Village did not provide proper service of process. The petitioner shall appear with appropriate evidence, so that if the petition is granted, he is prepared to proceed immediately with a hearing on the merits.

For the purpose of violations described in Article II of this Chapter, the grounds for the petition may include: (1) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was first issued; or (2) the person having already paid the fine or penalty for the parking violation in question.

If any judgment is set aside pursuant to this subsection, the Hearing Officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the Village as a result of the vacated default judgment.

(G) In any hearing conducted under this Chapter for which the Hearing Officer determines it is appropriate to assess costs, the costs shall be for not more than \$35.

ARTICLE II.
ADDITIONAL PROVISIONS
RELATING TO MOTOR VEHICLE CITATIONS
AND ADMINISTRATIVE TOWING/IMPOUNDMENT SERVICES

1-12-10: ENFORCEMENT OF MOTOR VEHICLE VIOLATIONS; CITATIONS:

(A) Whenever any vehicle is parked, maintained, used or operated in violation of any provision of Title 9 of the Code, the Owner shall be prima facie responsible for the violation and subject to the penalty therefor.

(B) Whenever any vehicle is parked, maintained, used or operated in violation of any provision of Title 9 of the Code, any police officer, community service officer, other designated member of the police department or other person designated by the Code Administrator observing such violation may issue a violation notice, and serve the notice on the Owner of the vehicle by handing it to the operator of the vehicle, if he is present, or by affixing it to the vehicle in a conspicuous place.

(C) The violation notice shall contain the identification number of the issuing officer, the particular regulation allegedly violated, the make and state registration number of the cited vehicle, and the place, date, time and nature of the alleged violation. In addition, all notices shall state the applicable fine as provided herein, the monetary penalty which shall be automatically assessed for late payment, that vehicle immobilization and driver's license suspension may be imposed if fines and penalties are not paid in full, that payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation, and information as to the availability of an administrative adjudication hearing in which the violation

may be contested on its merits and the manner in which such hearing may be had. The officer issuing the violation notice shall certify the correctness of the specified information by signing his name as provided in Section 11-208.3 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3, as amended.

(D) The officer issuing the violation shall deliver the original or a copy of the violation notice to the Code Administrator so that the Code Administrator may send the notice of hearing described in Section 1-12-7(C); provided the Code Administrator shall not serve a notice of hearing related to a violation described in this Article II less than seven (7) days after the violation notice was served in the manner described in paragraph (B).

(E) It shall be unlawful for any person, other than the owner of the vehicle or his designee, to remove from a vehicle a violation notice affixed pursuant to this Chapter.

(F) The Code Administrator shall distribute violation notices to the Police Department community service officers, police officers and other persons authorized to issue parking violating notices for issuance pursuant to these provisions. The Chief of Police shall be responsible for the distribution of the notice forms within the Police Department, shall maintain a record of each set of notices issued to individual members of the Department and shall retain a receipt for every set so issued.

(G) The Code Administrator shall compile and maintain complete and accurate records relating to all violation notices issued and the dispositions thereof, whether by payment of the fine or by final determination of the Hearing Officer. In addition, the Code Administrator shall make certified reports to the Secretary of State pursuant to Section 6-306.5 of the Illinois Vehicle Code.

§1-12-11: DETERMINATION OF LIABILITY; MOTOR VEHICLE CITATIONS:

(A) Any person on whom a violation notice has been served in the manner described in Section 1-12-10 shall within seven days from the date of the notice of hearing described in Section 1-12-7(C): (1) pay the indicated fine; or, (2) request an administrative adjudication hearing as provided by this Chapter to contest the charged violation. A response by mail shall be deemed timely if postmarked within seven days of the issuance of the notice of violation.

(B) If the respondent requests an administrative hearing to contest the cited violation, the Code Administrator shall notify the Owner in writing of the location and time available for a hearing in accordance with provisions of Section 1-12-7(C) of this Chapter.

(C) Where a respondent who has requested an administrative hearing either fails to pay the indicated fine prior to the hearing or fails to appear at a hearing a final determination of liability shall be entered in the amount of the fine indicated on the notice of violation. Failure to pay the fine within 21 days of issuance of a Hearing Officer's final determination of liability will result in the imposition of a late payment penalty pursuant to subsection (D) herein.

(D) Failure by any respondent to pay or mail payment of the fine for a parking violation within 21 days of the issuance of the final determination of liability will automatically subject the respondent to a penalty for late payment. The penalty for late payment shall be \$50.00. Failure to pay or mail payment of a fine within each subsequent 21 day period after the issuance of the determination of liability will automatically subject the respondent to an additional penalty of \$30.00.

(F) Defenses. In addition to the defenses described in Section 1-12-8(D), a person charged with a violation of Title 9 of the Code may contest the charge on one or more of the following grounds with appropriate evidence to support:

1. That the respondent was not the Owner or lessee of the cited vehicle at the time of the violation;
2. That the cited vehicle or its state registration plates were stolen at the time the violation occurred;
3. That the relevant signs prohibiting or restricting parking were missing;
4. That the relevant parking meter was inoperable or malfunctioned through no fault of the respondent;
5. That the facts alleged in the violation notice are inconsistent or do not support a finding that the specified regulation was violated.

§1-12-12: LESSOR OF VEHICLE--LIABILITY:

In accordance with Section 11-1306 of the Illinois Vehicle Code, no person who is the lessor of a vehicle pursuant to a written lease agreement shall be liable for a violation of any standing or parking regulation involving such vehicle during the period of the lease if upon receipt of a notice of violation he shall, within 60 days thereafter, provide to the Code Administrator the name and address of the lessee. Upon receipt of a lessor's notification of the name and address of his lessee, pursuant to Section 11-1305 or 11-1306 of the Illinois Vehicle Code, the Code Administrator shall cause a notice of violation to be sent to the lessee as provided herein. If the lessor fails to provide the Code Administrator with the name and address of the lessee within 60 days of receiving notice, the lessor shall, upon a determination of liability by the Hearing Officer, be liable for the full amount of the violation and late penalties, and a final determination will be issued.

§1-12-13: NOTICE OF FINAL DETERMINATION OF LIABILITY:

A notice of final determination of liability shall be sent to the Owner and lessee, if applicable, following a final determination of liability and the conclusion of judicial review procedures taken under this Chapter. The notice shall state that the unpaid fine or penalty is a debt due and owing the municipality. The notice shall contain warnings that failure to pay any fine or penalty due and owing the Village within the time specified may result in the Village filing of a petition

in the Circuit Court of DuPage County to have the unpaid fine or penalty rendered a judgment as provided by this Chapter, or may result in the immobilization and towing of the Owner's vehicle for failure of pay fines and penalties for 5 or more violations or the suspension of the Owner's drivers license for failure to pay fines or penalties for 10 or more violations.

§1-12-14: IMMOBILIZATION AND TOWING PROGRAM:

- A. The Code Administrator is hereby authorized to direct and supervise a program of vehicle immobilization and towing for the purpose of enforcing the parking, seizure and impoundment regulations set forth in Title 9 of the Code. The terms and conditions of this Chapter are supplemental and complementary to, and not mutually exclusive with, the provisions of Title 9, Chapter 6.

If a vehicle is parked or left in violation of any provision of Title 9 for which such vehicle is subject to an immediate tow, or in any place where it constitutes an obstruction or hazard, or where it impedes Village workers during such operations as snow removal, the Code Administrator or the Police Chief, or their respective designees, may cause the eligible vehicle to be towed to a vehicle pound or relocated to a legal parking place and there restrained.

The program of vehicle immobilization shall provide for immobilizing any eligible vehicle, as defined in subsection (B) below, by placement of a restraint in such a manner as to prevent its operation.

- B. When the registered owner of a vehicle has accumulated five or more final determinations of liability for which the fines and penalties, if applicable, have not been paid in full, the Code Administrator shall cause a notice of impending vehicle immobilization to be sent as prescribed in this Chapter.

The notice of impending vehicle immobilization shall state the name and address of the registered owner, the state registration number of the vehicle or vehicles registered to such owner, and the serial numbers of violation notices which have resulted in final determination of liability for which the fines or penalties remain unpaid. Failure to request a hearing or pay the fines and penalties owed within 21 days from the date of the notice will result in the inclusion of the state registration number of the vehicle or vehicles of such owner on an immobilization list. A person may challenge the validity of the notice of impending vehicle immobilization by requesting a hearing and appearing in person to submit evidence which would conclusively disprove liability. Placement of the state registration number of the vehicle or vehicles of such owner on an immobilization list shall be tolled pending the hearing only if one is timely requested. Upon a request for a hearing, the Code Administrator shall schedule the hearing for the next regular hearing date. Documentary evidence which would conclusively disprove liability shall be based on the following grounds:

1. That all fines and penalties for the parking violations cited in the notice have been paid in full; or
 2. That the registered owner has not accumulated five or more final determinations of liability which were unpaid at the time the notice of impending vehicle immobilization was issued.
- C. Upon immobilization of an eligible vehicle, a notice shall be affixed to the vehicle in a conspicuous place. Such notice shall warn that the vehicle is immobilized and that any attempt to move the vehicle may result in its damage. The notice shall also state that the unauthorized removal of or damage to the immobilizing restraint is a violation of Sections 16-1 and 21-1 of the Illinois Criminal Code. The notice shall also provide information specifying how release of the immobilizing restraint may be had, and how the registered owner may obtain an immobilization hearing. If the restraint has not been released within 24 hours of its placement, the restraint shall be released and the vehicle towed and impounded.
- D. The Code Administrator shall, within five (5) business days after a vehicle is seized and impounded pursuant to either paragraph C, above, or Chapter 9-6, send a written notice by first class mail to all owners of the vehicle listed in the State records as the owner. Copies of the notice shall be sent to any lien holder or lessee or lessor, if determinable using reasonable efforts.
- (1) The notice shall: (i) state that the motor vehicle was seized and impounded; (ii) contain all pertinent facts relating to the date, time and reason for the seizure and impoundment; (iii) specify the procedures by which possession of the vehicle may be regained; (iv) state that the failure to regain possession of the vehicle shall result in the vehicle being disposed of pursuant to law; and (v) explain the right to request a hearing. In the event a hearing has previously been requested, then the notice shall provide the date and time of the scheduled hearing and the identity of the person requesting the hearing.
 - (2) The notice shall not be mailed if: (i) the administrative and public safety fee described in §9-6-4 has been paid, and possession of the vehicle has been regained by an owner, within five (5) business days after the vehicle is seized and impounded; or (ii) possession of the vehicle may not be regained due to the vehicle being retained by the Glen Ellyn Police Department pursuant to the provisions of §9-6-9.
- E. The owner of an immobilized vehicle or other authorized person may secure the release of the vehicle by paying the immobilization, towing and storage fees provided in subsection (G) herein, and all fines and penalties remaining due on each final determination of liability issued to such person. The owner of a vehicle seized under Chapter 9-6 may secure the release of the vehicle in the manner described therein.
- F. The owner of any vehicle which has been immobilized, seized and/or towed, either under this Chapter or Chapter 9-6, shall have the right to a prompt post-deprivation hearing to

determine whether the immobilization, seizure and/or towing and impoundment was erroneous, if the owner files a written request for a hearing with the Code Administrator within 10 days after the notice sent pursuant to subsection (D) herein. Any hearing sought under this paragraph shall take place no longer than 15 days after the demand therefor and shall take priority over all other hearings provided for under this Chapter. Administrative hearing procedures shall be as follows:

1. All parties shall be given a reasonable opportunity to present testimony and evidence at the hearing. Continuances of the hearing date must be made in person before the hearing officer and may be granted upon a showing of good cause. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible in the same manner described in §1-12-8(B).
2. The Village shall not be required to produce any police officer or other witness at the hearing. The Village may file any and all documents, records or other tangible items prepared or maintained in the normal course of business that it desires the hearing officer to consider at the hearing. The filing of the documents, records or items shall be accompanied by a certification from a Glen Ellyn Police Officer, certifying that the records, documents or items were prepared or maintained in the normal course of business. Any records, documents or items filed and certified, shall be admitted as evidence at the hearing, and the facts and contents contained therein shall be presumed true and correct without the need for any additional foundation.
3. If an owner appears at the hearing and the hearing officer determines that the seizure and impoundment was proper, the case will be disposed of at that time. If the owner does not appear at the hearing, then the hearing officer, upon a review of the file, shall make a determination on the question of whether the seizure and impoundment was proper.
4. If the hearing officer determines by a preponderance of evidence that the seizure and impoundment was proper, the hearing officer shall enter a final order finding the owner of the vehicle liable to the Village for the applicable fees provided for under subsection (G). In the event a bond was posted, it will be retained by the Village as final payment of the administrative and public safety fee. If the hearing officer finds that the seizure and impoundment was not proper, the bond will be returned to the owner and the Police Department shall issue a release for the vehicle, if still impounded. A finding that the seizure and impoundment was not proper shall not have any bearing on whether the owner is obligated to pay the towing and storage fees and costs, and the owner must pay all fees and costs owed to the private towing company.
5. The decision by the hearing officer on the issue of whether the seizure and impoundment was proper, shall constitute a final determination for purposes of judicial review and shall be subject to review pursuant to the Illinois Administrative Review Act, 735 ILCS 5/3-101 *et seq.*, as now or hereafter amended. A party must exhaust its administrative remedies prior to seeking judicial review. In the event that the Administrative Review Act shall not apply, the decision of the hearing officer may be appealed to the circuit court under any available method.

- G. The fee for immobilization shall be \$50.00. The fee for seizure and towing arising from the immobilization, as described in this Section, shall be \$300. The administrative and public safety fee for any seizure and towing arising under Chapter 9-6 shall be as provided for therein. No Village fees shall be assessed for any immobilization, seizure or tow which has been determined to be erroneous. All immobilization and towing fees are separate and distinct from, and in addition to, any fine assessed upon being found liable or culpable for the underlying offense and fees or costs owed by the owner to a private towing company for the towing and storage of the vehicle.
- H. It shall be unlawful to relocate or tow any vehicle restrained by an immobilization device without the approval of the Code Administrator or his designee. The registered owner of the immobilized vehicle and any person who relocates an immobilized vehicle in violation of this subsection shall each be subject to a penalty of \$750.00 for such violation.

§1-12-14: DRIVER'S LICENSE SUSPENSION:

- A. When a person has failed to pay any fine or penalty due and owing on final determinations of liability for ten or more parking violations, the Code Administrator shall cause a notice of impending driver's license suspension to be sent in the form as required by the Secretary of State. The notice shall state that failure to pay the amount owing within 45 days of the date of the notice will result in the Village's notifying the Secretary of State that the person is eligible for initiation of suspension proceedings pursuant to Section 6-306.5 of the Illinois Vehicle Code.
- B. If a person sent a notice pursuant to subsection (a) fails to pay the amount owing within the time stated on the notice, the Code Administrator may file with the Secretary of State, a certified report, in accordance with Section 6-306.5(c) of the Illinois Vehicle Code, that the person is eligible for initiation of suspension proceedings. The Code Administrator shall assess a \$20.00 filing fee against the person named in the certified report to reimburse the Village for the expense of preparing and filing the certified report with the Secretary of State.
- C. A person named in a certified report filed pursuant to subsection (b) may, within 21 days of the date of the notice sent by the Secretary of State pursuant to Section 6-306.5(b) of the Illinois Vehicle Code, file with the Code Administrator a written statement and supporting documentation to challenge the report; provided, however, the grounds for such challenge shall be limited to (1) the person not having been the owner or lessee of the vehicle or vehicles receiving ten or more parking violations notices on the date or dates such notices were issued or (2) the person having already paid the fine and penalty for the ten or more violations indicated on the report. The Code Administrator shall send notice of the decision on the challenge of the report after receipt thereof.
- D. If a person named in a certified report has paid the previously reported fine or penalty or if the report is determined by the Code Administrator to be in error, the Code

Administrator shall notify the Secretary of State in accordance with Section 6-306.5(d) of the Illinois Vehicle Code. A certified copy of such notification shall be given, upon request and at no charge, to the person named therein.

- E. An administrative hearing to contest an impending suspension or suspension may be had upon filing a written request with the Secretary of State. The filing fee for this hearing shall be \$20.00, to be paid at the time the request is made. The Village shall reimburse the Secretary of State for all reasonable costs incurred by the Secretary as a result of filing a certified report, including but not limited to the costs of providing the required notice and the costs incurred by the Secretary in any hearing conducted with respect to the report and any appeal from such a hearing.

SECTION 2: This new Chapter 12 shall be printed in the Glen Ellyn Village Code.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

PASSED this _____ day of _____, 2010.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2010.

Village President

ATTEST:

Village Clerk

VILLAGE OF GLEN ELLYN

ORDINANCE NO. _____ -VC

AN ORDINANCE TO ADD TO TITLE 9, "TRAFFIC CODE" A NEW CHAPTER 6
OF THE VILLAGE CODE OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS

REGARDING VEHICLE SEIZURE AND IMPOUNDMENT

ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE
VILLAGE OF GLEN ELLYN
DUPAGE COUNTY, ILLINOIS

THIS _____ DAY OF _____, 20____.

Published in pamphlet form by the authority
of the President and Board of Trustees of the
Village of Glen Ellyn, DuPage County,
Illinois, this _____ day of
_____, 20____.

ORDINANCE NO. _____

**AN ORDINANCE PROVIDING FOR
VEHICLE SEIZURE AND IMPOUNDMENT.**

WHEREAS, the Police Department of the Village of Glen Ellyn has experienced numerous instances in which individuals are not able to continue to drive vehicles within the Village because they have been placed under arrest for certain offenses or they are observed by the police or other Village officials or employees in a condition where it would not be safe for them to drive a vehicle or a proper license permit or privilege to operate a vehicle is not within their possession or receipt; and

WHEREAS, under such circumstances, the police and other Village officials are required to expend time and effort in seeing to it that the vehicle is impounded so that it does not constitute a danger to traffic, an impediment or distraction for traffic or remain abandoned for an extensive period of time and become subject to vandalism, mischief or otherwise detract from the regulated parking restriction provisions in force within the community; and

WHEREAS, a substantial period of time can be devoted by municipal officials in providing security for the vehicle, attempting to determine whether some other person is lawfully capable of driving the vehicle, so that no impoundment is necessary, and, in some cases, providing assistance to the passengers in the vehicle, including minors, where the vehicle is to be impounded; and

WHEREAS, the Corporate Authorities have determined that it is prudent and within its power and authority to establish a standard fee for the actions and services required by the municipality where the Police Department or other Village personnel has reasonable cause to

believe that the driver of a vehicle is operating that vehicle in violation of a number of State statutes and local governmental ordinances; and

WHEREAS, the Village wishes to establish an Administrative and Public Safety Fee to cover the costs of the Village in carrying out this important activity, which is crucial to the public health, safety and welfare within the Village; and

WHEREAS, the Village believes that a fee of \$300.00 bears a reasonable relationship to the actual costs which have been incurred or are likely to be incurred by the Village during the variety of circumstances under which the impoundment of a vehicle is found to be necessary; and

WHEREAS, the Corporate Authorities recognize that, in some instances, the actual cost to the Village, incurred in the impoundment of the vehicle, may be less than the amount of the fee established, but, in other cases, it is anticipated that the cost of the service will greatly exceed the amount of the fee; and

WHEREAS, the goal of the Village in establishing a fee is to be able to actively carry out the impoundment service and to reasonably recover its costs and is not instituted for the purpose of taxation or income generation;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DU PAGE COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1: There shall be added to Title 9, "Traffic Code," of the Village of Glen Ellyn Code of Ordinances, a new Chapter 6, "Vehicle Seizure and Impoundment," which shall read, as follows:

CHAPTER 6. VEHICLE SEIZURE AND IMPOUNDMENT

- 9-6-1 **DEFINITIONS.**
- 9-6-2 **ACTS SUBJECTING VEHICLE TO SEIZURE AND IMPOUNDMENT;
ADMINISTRATIVE AND PUBLIC SAFETY FEE.**
- 9-6-3 **SEIZURE AND IMPOUNDMENT PROCEDURES.**
- 9-6-4 **RELEASE OF MOTOR VEHICLE.**
- 9-6-5 **RIGHT TO A HEARING; POSTING OF BOND.**
- 9-6-6 **NOTICE OF SEIZURE AND IMPOUNDMENT.**
- 9-6-7 **COLLECTION OF UNPAID ADMINISTRATIVE AND PUBLIC SAFETY
FEE.**
- 9-6-8 **LIEN HOLDERS.**
- 9-6-9 **RELEASE OF MOTOR VEHICLE NOT ALLOWED.**
- 9-6-10 **MULTIPLE OWNERS.**

§ 9-6-1: **DEFINITIONS:**

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates a different meaning.

BUSINESS DAY means any day in which the office of the village clerk of the Village of Glen Ellyn is open to the public for a minimum of seven hours.

MOTOR VEHICLE OR VEHICLE means every vehicle which is self-propelled, including, but not limited to, automobiles, trucks, vans, motorcycles and motor scooters, and shall include every vehicle defined by Section 1-146 of the Illinois Vehicle Code.

OWNER means a person who holds legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of such vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner. Any person may, with the owner's express permission, perform any act that the owner is authorized to perform.

§ 9-6-2: **ACTS SUBJECTING VEHICLE TO SEIZURE AND IMPOUNDMENT; ADMINISTRATIVE AND PUBLIC SAFETY FEE:**

(A) A motor vehicle: (i) that was driven, used, or operated, by a person who is reasonably charged or could be charged with; or (ii) for which there is a reasonable factual basis for finding it was used or operated in the commission of; any of the following violations may be seized and impounded by the Village:

1. Driving a motor vehicle under the influence of alcohol, other drug or drugs, intoxicating compound(s), or a combination thereof;

2. Driving a motor vehicle while the driver's license, permit or privilege to operate a motor vehicle is suspended or revoked, regardless of whether the revocation or suspension was of an Illinois driver's license or the driver's license from another state;
3. Driving a motor vehicle without ever having been issued a valid driver's license; or
4. Driving a motor vehicle when the driver's license has been expired for more than six months, or the driver's permit, restricted driver's permit or other driving privilege has expired, regardless of whether such expired license, permit, restricted driver's permit or other driving privilege was previously issued by the State of Illinois or another state.
5. A person against whom a warrant has been issued by any court of competent jurisdiction for any reason;
6. Driving by a person who is less than seventeen years of age when in violation of the lawfully established curfew;
7. Fleeing or attempting to elude;
8. Drag racing;
9. Reckless driving;
10. Speeding forty miles per hour (40 MPH) in excess of applicable limit;
11. Any of the following firearms offenses:
 - a. Unlawful use of weapons;
 - b. Aggravated discharge of a firearm;
 - c. Aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm;
 - d. Reckless Discharge of a firearm; and
 - e. Aggravated unlawful use of a weapon.
12. Any of the following drug offenses:
 - a. Possession of cannabis more than 30 grams
 - b. Unauthorized possession of controlled substances,
13. Any other misdemeanor or felony of the Vehicle Code where a custodial arrest is initiated; and
14. Any other misdemeanor or felony where a motor vehicle is used to attempt an escape from the crime scene or where a custodial arrest is initiated.

(B) No vehicle shall be seized and impounded pursuant to paragraphs (a)(3) and (4), above, if the driver was driving pursuant to certain exceptions to the licensing requirements, as allowed in the exemption provision, Section 5/6-102, of the Illinois Vehicle Code.

(C) In the event a motor vehicle is seized and impounded pursuant to this Chapter, the owner of the motor vehicle shall be liable to the Village for an administrative and public safety fee of three hundred dollars (\$300.00), in order to cover the costs incurred by the village in ensuring that the motor vehicle is properly removed from the scene of the incident and the vehicle, and personal property enclosed therein, is secured and safeguarded, and any passengers in the vehicle, including children are assisted. All owners of a motor vehicle shall be jointly and severally liable for the administrative and public safety fee.

(D) Upon demonstration that it has the right to possession of a seized motor vehicle, a lessor, whether a rental agency or otherwise, or lien holder of a motor vehicle shall have the right to pay the administrative and public safety fee and be issued a release from the Glen Ellyn Police Department authorizing it to gain possession of the vehicle.

(E) The administrative and public safety fee is separate and distinct from, and in addition to, any fine assessed upon being found liable or culpable for the underlying offense and fees or costs owed by the owner to a private towing company for the towing and storage of the vehicle.

§ 9-6-3: SEIZURE AND IMPOUNDMENT PROCEDURES:

(A) Whenever a police officer has reason to believe that a motor vehicle is subject to seizure and impoundment pursuant to §9-6-2, above, the police officer may order that the vehicle be seized and impounded. The Glen Ellyn Police Department shall utilize the services of a private towing company. If towed, the motor vehicle must be impounded and stored in a secure facility owned, leased, or operated by the Village or a private towing company.

(B) The police officer shall inform the person being arrested for the offenses identified in §9-6-2, or any owner of the vehicle at the scene of the arrest, of the circumstances, rights and obligations related to the:

1. Seizure and impoundment of the vehicle;
2. Owner's right to retrieve the vehicle by payment of the administrative and public safety fee to the Village and towing and storage fees and costs to the private towing company; and
3. Availability of posting a bond in the full amount of the administrative and public safety fee and to request a hearing before an administrative hearing officer to determine whether or not the seizure and impoundment was proper.

(C) The police officer shall allow for another properly licensed and otherwise fit person to drive the vehicle, if insured, from the scene of the arrest if that person is the owner, or is authorized by

the owner, and such person is present at the scene prior to the arrival of the tow truck. The police officer shall not be under any duty or requirement to:

1. Inform the person being arrested that he or she may contact another person to remove the vehicle from the scene of the incident;
2. Allow a driver being arrested to make or send a telephone call, electronic message or other attempt to contact a person to drive the vehicle from the scene of the arrest; and
3. Initiate such call, message or contact another person on behalf of the arrestee.

(D) Upon the arrest of a driver for violations referenced in §9-6-2 above, the vehicle shall not be removed from the scene by any owner, or another person authorized by the owner, if the police officer determines that the vehicle should not be released due to the applicability of §9-6-9, below.

(E) The imposition of the administrative and public safety fee shall not apply if the vehicle driven by a person arrested in connection with the offenses identified in §9-6-2, was stolen at that time and the theft was reported to the appropriate police authorities within twenty-four (24) hours after the theft was discovered or reasonably should have been discovered.

§ 9-6-4: RELEASE OF MOTOR VEHICLE:

(A) Any owner, or lien holder or lessor of record of a motor vehicle that is seized and impounded pursuant to this Chapter may regain possession of the vehicle by: (i) paying to the Village the \$300.00 administrative and public safety fee; or (ii) posting a bond in the full amount of the fee, pursuant to §9-6-5; and (iii) providing proof of appropriate insurance. The fee or bond shall be paid at the Glen Ellyn Police Department. The fee or bond shall only be paid with cash, credit card, cashier's or certified check, or other type of payment acceptable to the Village that has the legal effect of being equivalent to the aforementioned methods of payment.

(B) Upon payment of the fee or bond, the Department shall provide the payor with a document authorizing the release of the vehicle from the private towing company. The owner, or any authorized lessor or lien holder, may present the Department-issued document authorizing release to the private towing company, and upon payment of any fees and costs to company for towing and storage of the vehicle, shall regain possession of the vehicle.

§ 9-6-5 RIGHT TO A HEARING; POSTING OF BOND:

(A) Any owner, or lien holder or lessor of record, shall have the right to a hearing before a hearing officer to contest whether the seizure and impoundment was proper. All requests for a hearing shall be made in writing to the Code Administrator identified in Title 1, Chapter 12 of the Village Code of Glen Ellyn. If a request for a hearing is made, a bond in the amount of three hundred dollars (\$300.00) must be posted with the Glen Ellyn Police Department and it shall be held by the Village until the hearing officer makes a final decision.

(B) Hearings shall be held at the time and date provided for hearings under §1-12-13 of the Village Code of Glen Ellyn. If a request for a hearing is not made at the time the administrative and public safety fee is paid or the bond is posted, the owner shall be deemed to have waived the right to a hearing. No party shall have a right to a hearing unless requested within 10 days of the date of the notice referenced in §1-12-13.

§ 9-6-6: COLLECTION OF UNPAID ADMINISTRATIVE AND PUBLIC SAFETY FEE:

If an administrative and public safety fee is imposed pursuant to this Chapter the fee shall constitute a debt due and owing the Village of Glen Ellyn. The Village may collect on the debt using all means permitted by law, including, without limitation, obtaining a judgment on the debt and enforcing such judgment against the owner, or disposing of the vehicle as an unclaimed vehicle. The Village may commence legal proceedings to collect an unpaid administrative and public safety fee, or take actions to dispose of the impounded vehicle: (i) 35 days after a determination was made at the requested hearing that the seizure and impoundment was proper, and no petition was filed in the Circuit Court seeking judicial review of the administrative hearing officer's determination or other review; (ii) 30 days after a final order is rendered by a judge of the Circuit Court whenever a petition seeking judicial review was filed by a party; or (iii) 15 days after the notice provided in §1-12-13 was mailed and no administrative hearing was requested.

§ 9-6-8: LIEN HOLDERS:

Except as may otherwise be provided by law, no owner, lien holder, lessor, or other person, shall be legally entitled to take possession of a vehicle impounded under this Chapter, until the administrative and public safety fee has been paid or a bond is posted. However, whenever a lien holder against the impounded vehicle has commenced foreclosure proceedings, then possession of the vehicle shall be given to lien holder without the requirement that the administrative and public safety fee be paid or bond posted, conditioned upon the lien holder agreeing in writing to pay to the Village the fee from the net proceeds of any foreclosure sale.

§ 9-6-9: RELEASE OF MOTOR VEHICLE NOT ALLOWED:

The provisions of this Chapter authorizing an owner, or other party, to regain possession of a motor vehicle are not applicable when vehicle or asset forfeiture proceedings have been instituted under state or federal drug asset forfeiture laws or Article 36 of the Illinois Criminal Code of 1961. In such case, the Village shall not release, or dispose of, the vehicle to any person, except as consistent with those proceedings.

In the event the Glen Ellyn Police Department determines that the vehicle seized and impounded pursuant to this Chapter should not be released to its owner or other persons, or disposed of as an unclaimed vehicle, due to the need to retain the vehicle as part of a continuing criminal investigation, or as evidence in a crime, then the Village shall notify the owner no later than five (5) days after the seizure and impoundment that the vehicle will be retained and not released except as required by law.

§ 9-6-10: MULTIPLE OWNERS:

Whenever in this Chapter the word Owner is used, it shall apply to all owners. This Chapter presumes that all owners have equal rights to a seized and impounded vehicle. In instances of multiple owners of a vehicle, the Village shall not have any duty or responsibility to inquire or determine whether all owners concur with, or object to, any action taken, or omissions, by any one owner in relation to the vehicle seized and impounded.

SECTION 2: This Chapter shall be printed in the Glen Ellyn Village Code.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

PASSED this _____ day of _____, 2010.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2010.

Village President

ATTEST:

Village Clerk

A-10



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: April 4, 2010

Re: 2009 Street Improvements Project – Final Change Order

Background

The 2009 Street Improvements Project was one of our three major infrastructure projects in 2009. The project included upgrades to our sanitary sewer, storm sewer, and water systems as well as a major roadway component on eleven street segments scattered around the Village. A complete list of work by street segment can be found in the attached memorandum.

In April 2009, the Village approved a \$2,500,000 contract (including a 5% contingency) with John Neri Construction. A construction engineering award was also approved in April 2009 with Civiltech Engineering in the amount of \$280,000 (including a 5% contingency). The project reached substantial completion in November 2009 and the project team has worked toward agreement on all quantities. We are now prepared to present a final balancing change order as well as a final engineering amendment to achieve project closeout.

Issues

Attached is a memorandum authored by Civil Engineer Jeff Perrigo providing a detailed explanation of the proposed change order and amendment.

Construction

We are seeking approval of a final balancing change order in the amount of \$478,054 to bring the final contract amount to \$2,857,355. Additional funding in the amount of \$357,335 is required to accommodate the change order. The final project total was approximately 20% over the original bid cost.

This project experienced a significant cost overrun due to three key components: unanticipated poor base condition that required additional work to re-grade and shape the base prior to installing the asphalt cross section; replacement of a significant amount of sidewalk throughout the corridor due to either deficient pre-construction sidewalk condition or to accommodate the installation of sump pump connections to improve isolated drainage concerns; and determination that extensive lengths of curb and gutter needed to be replaced in order to effectively get us to the next rehabilitation cycle. The later also required the addition of driveway replacements not originally anticipated for the project. An increase in sod was also

significant due to a combination of the items mentioned above. Civil Engineer Jeff Perrigo put together a good explanation of the significant cost over-runs that I have attached to the end of this memo. The additional scope also necessitates a fourteen (14) day extension in time.

The changes in scope mentioned above are consistent with the approach Public Works has taken on projects in the last decade. We pride ourselves on "doing the right thing". These changes were incorporated in order to assure that our final product will serve the residents and guests of Glen Ellyn throughout the proposed 20 year life cycle.

In the upcoming year, Public Works will be taking a more thorough look at our projects as there is no option to incur large cost overruns based on budget. We will be bringing change orders to the Village Board more consistently in order to provide the most up to date status on project schedule, scope changes, and budget impact.

Construction Engineering

Civiltech has requested additional compensation (above their existing 5% contingency) in the amount of \$36,147 to deal with the aforementioned out of scope work. This increase is in line with the overall construction overruns and is about 20% above the original proposal submitted by Civiltech. The additional time and material testing necessary coincide with type of work added to the project.

Action Requested

Bob Minix will present this item at the April 12, 2010 Village Board Meeting.

1. Motion to increase the appropriation for construction associated with the 2009 Street Improvements Project provided by John Neri Construction in the amount of \$357,334, for a revised total appropriation of \$2,857,334 to be expensed to the FY 09 - 10 Water, Sanitary Sewer and Capital Project Funds.
2. Approval of Resolution No. 10-xx, a Resolution Concerning the Determination of the Glen Ellyn Village Board that Change Order No. 1 - Final with John Neri Construction Co, Inc. for an Increase in the Contract Price of \$478,058 is required for the 2009 Street Improvements Project, for a Revised and Final Contract Cost of \$2,857,334.
3. Motion to increase the appropriation for construction phase engineering services associated with the 2009 Street Improvements Project provided by Civiltech Engineering in the amount of \$36,147, for a revised total appropriation of \$316,147 to be expensed to the FY 09 - 10 Water, Sanitary Sewer and Capital Project Funds.
4. Motion to approve Amendment No. 1 to the services agreement with Civiltech Engineering for the 2009 Street Improvements Project for additional construction

engineering expenses in the amount of \$51,147 resulting in a total not-to-exceed fee of \$316,147 for the work.

Recommendation

I recommend approval of all four items listed above.

Attachments

- 2009 Streets – Cost Over-runs Summary
- Memorandum dated March 17, 2010 (with attachments) authored by Civil Engineer Jeff Perrigo

2009 Street Improvements Project Project Budget Overrun Summary

1. Grade and Shape Base Items (Items 10 and 140) – Cost Overrun = \$80,000 (14,400 SY)

Issue: Originally it was anticipated that after the asphalt was removed by milling that the existing base would not need to be shaped and graded. After the contractor removed the asphalt it became apparent that the existing base needed to be graded and shaped. Therefore, a new item needed to be added to the contract. Item 10 was intended to be used for the shaping of the sub-base at the end of Turner, west of Montclair (about 55 SY) but it was agreed to extend the item, as it was similarly used for the entire block (about 1,000 @ \$12/SY, \$12,000). Item X-16 was allocated for the other streets throughout the project that were not reconstructed (about 13,300 SY at \$5/SY, \$66,500).

Root cause: This item was overlooked in the design phase of the project.

Remedy: On future projects with this type of rehabilitation, an item will be added for shaping the existing base.

2. Remove and Replace Sidewalk (Items 23 and 25) – Cost Overrun = \$150,500 (38,000 SY)

Issue: During the design phase of the project, it was anticipated that sidewalk removal and replacement would occur primarily on the reconstructed streets with a nominal amount on the resurfaced streets. After assessing the resurfaced street's corridors, it was determined that much more sidewalk was in need of replacement than originally anticipated. Also of note is the amount of sidewalk that is replaced in the course of adding sump pump connections. If we assume that every connection requires the replacement of 2 squares (50 SF), the total sidewalk quantity can escalate very rapidly. The original quantity of 13,000 SY was increased to 38,000 SY.

Root cause: Under-estimated the need for sidewalk replacement along the corridor.

Remedy: We have determined that we have averaged about 3.2 SF of sidewalk replacement per LF of roadway under construction within a project. Using this average, we would have estimated approximately 30,000 SF of sidewalk replacement which would have been much closer the actual quantity replaced. Future projects will include either a higher estimated quantity and/or a greater amount of restraint will be exercised with which sidewalk squares get replaced.

3. Remove and Replace Driveway (Items 24 and 28) – Cost Overrun = \$23,000 (5,200 SY)

Issue: During the design phase of the project, it was anticipated that driveway removal and replacement would occur primarily on the reconstructed streets and other locations where curb was to be replaced. The location of the curb removal on the resurfaced streets occurred frequently in the area

of the driveways and additional curb work was done, particularly on Lowden and on Parkside on either side of the reconstructed section at Parkside and Coolidge. The original quantity of 3,600 SY was increased to 5,200 SY.

Root cause: Under-estimated the need for curb and driveway replacement along the corridor.

Remedy: Future projects will require additional review of the curb prior to bidding to better estimate the condition of the curb and thus the driveways (a token amount or percentage may not be a sufficient estimate).

4. Remove and Replace Curb (Items 17 through 22) – Cost Overrun = \$23,000 (11,400 LF)

Issue: During the design phase of the project, it was anticipated that curb removal and replacement would occur primarily on the reconstructed streets and token amounts at other locations throughout the project. The locations of curb removal on the resurfaced streets occurred more frequently than originally anticipated. The original quantity of 10,000 LF was increased to 11,400 LF.

Root cause: Under-estimated the need for curb removal and replacement along the corridor.

Remedy: Future projects will require additional review of the curb prior to bidding to better estimate the condition of the curb.

5. Sod (Item 33) – Cost Overrun = \$53,000 (14,800 SY)

Issue: During the design phase of the project, an estimated quantity of sod is calculated for the reconstructed streets and a nominal amount is figured for the resurfaced streets. With the additional work performed on the resurfaced streets (curb, driveways, sidewalk, sump pump lines, and b-box repairs), the quantity of sod needed for restoration was under-estimated. The original quantity of 8,900 SY was increased to 14,800 SY.

Root cause: Under-estimated the required sod along the corridor which is a function of the above referenced additional work items.

Remedy: Future projects will require additional review of the anticipated quantity of curb, driveway, sidewalk and sump pump connections prior to bidding to better estimate the condition of the curb.

Glen Ellyn Public Works Department

Interoffice Memorandum

to: Joseph M. Carracci, Public Works Director

from: Jeffrey D. Perrigo, Civil Engineer

subject: 2009 Street Improvements Project (2009)
Recommendation for Approval of Change Order No. 1 with John Neri Construction Company

date: March 17, 2010

The John Neri Construction Company has completed all work on **The 2009 Street Improvements Project**, including landscape restoration and punchlist work. A follow-up inspection of landscape restoration will be conducted in this spring to evaluate the establishment of the sod. We are now ready to present a final and balancing change order for Village Board approval. Enclosed herewith is the change order form, summary of contract status report, and Resolution in support of Change Order No. 1 (FINAL) for the 2009 Street Improvements Project. The change order amount is **\$478,054**, bringing the final construction cost for the project to **\$2,857,334**. A time extension of 14 days is required as well as additional funding.

PROJECT OVERVIEW

The 2009 Street Improvements Project involved roadway work on eleven different street segments in two distinct areas of the Village; one area located primarily in the central part and the other area in the southerly part of Glen Ellyn. A total of nearly two miles of roadway rehabilitation was undertaken in the project. Design work on the project was completed by our engineers, Pavia-Marting and Company, of Roselle.

The following table summarizes the scope of work performed for each roadway segment included in the project:

2009 STREET IMPROVEMENTS PROJECT			
Street Segment	Limits	Length (ft)	Type of Rehabilitation
Taylor Avenue	Duane to Highview	2,750	Sanitary Sewer Rehabilitation Watermain Replacement Street Reconstruction
Turner Avenue	Taylor to East End	150	Drainage Improvements Street Reconstruction

Merton Avenue	Highview to Turner	700	Street Resurfacing
Montclair Avenue	Highview to Turner	500	Water Services Street Reconstruction
Turner Avenue	Montclair to West End	500	Sanitary Sewer Rehabilitation Miscellaneous Watermain Improvements Miscellaneous Drainage Improvements Street Reconstruction
South Parkside Avenue	Harding to Dawes	800	Miscellaneous Drainage Improvements Limited Street Reconstruction
South Parkside Avenue	Dawes to Lowden	300	Street Resurfacing
South Parkside Avenue	Lowden to South End	150	Street Reconstruction
Coolidge Avenue	South Parkside to Park	1,125	Sanitary Sewer Repairs Miscellaneous Drainage Improvements Street Resurfacing
Dawes Avenue	South Parkside to Park	1,125	Sanitary Sewer Repairs Enhanced Street Resurfacing
Lowden Avenue	West End to Park	1,300	Watermain Replacement Street Resurfacing
TOTALS		9,400	1.78 miles

The award of the construction contract to John Neri Construction and project funding for the work were established at the April 27, 2009 Village Board Meeting. At the time of bid award, the Village Board authorized the appropriation of \$2,500,000 (including a 5% contingency) of monies from the FY 09-10 Water, Sanitary Sewer, and Capital Funds to support the \$2,379,280 contract bid.

CHANGE ORDER NO. 1 (FINAL) - CONSTRUCTION

Change Order No. 1 includes the balancing of all contract items (focusing on waterline, sanitary sewer and roadway work) as well as the inclusion of additional items deemed necessary by Village staff to complete the project. The original funding for the **Water** related items was **under funded by \$98,322**; **Sanitary Sewer** related items were **under funded by \$14,302**; and the **Capital Projects** related items were **under funded by \$244,711** (see table below). The final funding breakdown is as follows:

2009 Street Improvements Project Final Funding Breakdown*						
Funding Source FY (09/10)	Account Number	Original Funded Amount	Original Contract Amount	Final Contract Amount	Change Order Number 1	Funding Requested
Water	50100-580100-00901	\$500,000	\$477,492	\$598,322	\$120,830	\$98,322
Sanitary Sewer	50200-580100-00901	\$375,000	\$350,573	\$389,302	\$38,729	\$14,302
Capital Projects	40000-580160-00901	\$1,625,000	\$1,551,215	\$1,869,711	\$318,496	\$244,711
TOTAL		\$2,500,000	\$2,379,280	\$2,857,335	\$478,054	\$357,335

*Numbers are rounded to the nearest dollar

To best outline the items for inclusion in this change order, the body of this memo will mirror the Change Order Form attached. Each item on the form will be explained, in detail.

1. **Contract Quantity Adjustments** – During the design of the project, the engineers develop quantities anticipated to perform the work. These quantities are the foundation for our bidding contract documents. Payment is made to the contractor only for quantities actually installed in the field during the course of the project, and thus can differ from the contract quantities. This change order item reconciles the 123 original contract items concentrating on the balancing of the water, sewer and roadway items. However, some of these items changed slightly as a result of final calculation checks and increase in quantity of a number of general items that are dispersed to multiple funds. The overall change in contract quantities resulted in an **increase in project cost of \$295,907**. The modified quantities for the original contract work elements that resulted in changes (positive or negative) of \$5,000 or more included:

Item No. 1 – Special Excavation (-\$6,342.70)

The final quantity for earth excavation is determined using field measurements and the cross sections provided in the contract plans. The plan quantity is an estimate at the time of contract award and the decrease is the result of the difference between field measured and theoretical plan quantity.

Item No. 4 – HMA Pavement Patch, 3” (-\$35,776.00)

This item was intended to be used to patch the locations of underground work done on streets not receiving complete reconstruction. Due to the existing pavement thickness being less than anticipated, all pavement was removed on the resurfacing streets instead of just milling and overlaying. Since all pavement was removed, this patching item was not needed.

Item No. 5 – HMA Surface Course, Mix “C”, N50, 1½”, 1¾” or 2” (+\$12,486.24)

The increase is caused by slightly larger construction limits on some of the streets and a slight increase in the surface course thickness placed as verified by calculating the asphalt yield. There was approximately 640 square yards of additional paving areas that were not factored into the original plan quantities. The yield for HMA surface course was slightly over 100% meaning that the asphalt was placed at a slightly greater thickness than the proposed design anticipated.

Item No. 6 – HMA Binder Course, IL-19, N50, 2” or 6” (+\$109,312.01)

The increase is the result of level binder (Item 7) not being used on the project. Level binder was supposed to be used on streets receiving resurfacing only, but all existing pavement was removed down to the aggregate base due to the pavement being too thin to be milled. This item was then used in place of the level binder item.

Item No. 7 – Leveling Binder (Machine Method) N50, 1¾” or 2” (-\$103,863.00)

This item was intended to be used on streets only receiving resurfacing. Due to the existing pavement on these streets being too thin to mill, it was decided to remove the pavement down to the aggregate base. As a result, a standard 2” HMA binder course (Item 6) was placed instead of the level binder. The entire quantity can be removed from the contract.

Item No. 10 – Shaping and Grading of Existing Sub-Base (+\$11,676.00)

The original intent for this item was for a small patch over the watermain work on Turner, west of Montclair. The thickness of the existing asphalt was thinner than anticipated so it was decided to remove the existing pavement in this section of Turner down to the aggregate base. It was then agreed that this item would be used the entire section of roadway.

Item No. 16 – Temporary Surface (-\$5,400.00)

This purpose of this item was to temporarily patch locations of underground work in high traffic areas during the time period between the underground work and the paving work. The most logical location for this to be used was the intersection of Hill and Taylor. The item was not needed as the concrete pavement in the intersection was poured immediately following the underground work being completed. The entire quantity for this item can be removed from the contract.

Item No. 18 – Combination Concrete Curb & Gutter, Type B-6.12 (+\$36,208.30)

The increase is the result of extra curb and gutter being replaced on Parkside as well as the change in the curb and gutter type on Turner west of Montclair. The curb on Turner west of Montclair was called out to be B-6.12 special (Item 19) but was changed when it was decided that all pavement was going to be removed instead of just milled.

Item No. 19 – Combination Concrete Curb & Gutter, Type B-6.12, Special (-\$19,206.00)

This item was intended for the curb and gutter replacement on Turner west of Montclair. It was determined that all of the existing pavement on Turner west of Montclair should be

removed down to the aggregate base. As a result, the regular B-6.12 curb and gutter (Item 18) could be installed instead of this item. The entire quantity can be removed from the contract.

Item No. 23 – Sidewalk Removal (+\$44,591.22)

The sidewalk replacement quantity is an estimated quantity at the time of contract award. During a detailed sidewalk walk-thru prior to roadway work, all cracked sidewalks, sinking sidewalks, and tripping hazards were marked for removal and replacement. The required corrective repairs resulted in the increase in quantity for this item.

Item No. 24 – Driveway Pavement Removal (+\$13,091.82)

The increase is the result of the additional curb replacement work done on Parkside and Lowden. Any curb that needed to be replaced near a driveway apron impacted the driveway making it necessary to replace the driveway apron as well.

Item No. 25 – PCC Sidewalk, 5" (+\$105,879.83)

The sidewalk replacement quantity is an estimated quantity at the time of contract award. During a detailed sidewalk walk-thru prior to roadway work, all cracked sidewalks, sinking sidewalks, and tripping hazards were marked for removal and replacement. The required corrective repairs resulted in the increase in quantity for this item.

Item No. 26 – Detectable Warning (-\$5,040.00)

The decrease is most likely the result of an over calculation in plan quantity. Detectable warnings were installed at all locations called out in the contract plans plus some additional locations where it was deemed necessary based on the condition of the current sidewalk.

Item No. 28 – PCC Driveway Pavement (+\$25,117.26)

The increase is the result of the additional curb replacement work done on Parkside and Lowden. Any curb that needed to be replaced near a driveway apron impacted the driveway making it necessary to replace the driveway apron as well.

Item No. 32 – Protective Coat (+\$6,971.80)

The increase is the result of the additional sidewalk, driveway aprons and curb and gutter replaced throughout the project. Protective coat was applied to all new concrete surfaces.

Item No. 33 – Sodding, Special (+\$52,902.00)

The increase is the result of the additional curb and sidewalk replacement done throughout the project. Additional sod placement was needed in the areas surrounding the sidewalk and curb work. In some locations additional parkway grading was necessary to accommodate drainage. These areas of grading required larger areas of restoration and sod placement.

Item No. 42 – Installation & Maintenance of Protective Tree Fence (+\$13,592.10)

The amount of protective tree fence is determined during a walk-thru with the village forester prior to the start of construction. In this case, the amount requested by the village forester exceeded the plan quantity for this item resulting in an increase.

Item No. 46 – Removal of Unsuitable Material (+\$16,352.00)

The increase was the result of soil conditions being less favorable than anticipated. More undercuts were needed in these areas to ensure a proper sub-base for the roadway.

Item No. 47 – Porous Granular Embankment, Sub-Grade (+\$17,520.00)

The increase is the result of soil conditions being less favorable than anticipated. More undercuts were needed in these areas to ensure a proper sub-base for the roadway.

Item No. 52 – Street Sweeping (-\$14,800.00)

Street sweeping was done on an as-needed basis determined by the resident engineer. Sweeping was done on the streets being constructed during the times of underground work and access routes were swept during all phases of construction. Sweeping was done several times during the project but was not needed to the extent that the plan quantity indicates.

Item No. 57 – Sanitary Sewer Service, 6” PVC SDR 26 (ASTM D2241) (+\$16,656.00)

The increase is the result of the decision to replace additional sanitary services on Montclair between Highview and Turner as well as on Turner west of Montclair.

Item No. 60 – Sanitary Sewer, 8” PVC SDR 26 (ASTM D2241) (+\$18,960.00)

As stated in the contract specifications, up to 5 linear feet of sanitary sewer main replacement is incidental to the item for replacing the sanitary service (Item 61). In some cases additional lengths beyond the five linear feet need to be replaced. Cases of additional replacement include disconnecting abandoned service lines from the main or replacing main that is in poor condition. The increase is the result of having to replace more sanitary main than was anticipated.

Item No. 62 – Sanitary Service Reconnection (Existing Main) (+\$16,000.00)

The increase is likely the result of under calculating the plan quantity. With houses located at the corner of an intersection it is often not known which of the streets the sewer runs out to. All active sanitary service lines were replaced on Taylor and it is likely that some of the services at the corner houses were not factored into the original plan quantity. Two additional services were also installed on Turner east of Taylor and Turner west of Montclair.

Item No. 64 – Adjust Sanitary Manhole with New Frame & Closed Lid (-\$10,200.00)

The extent of manhole adjustments and reconstructions is determined in a walk-thru prior to any manhole work being started. In this case more sanitary manholes needed reconstruction causing an increase in Item 66 and a decrease in this item.

Item No. 66 – Reconstruct Sanitary Manhole (+\$12,800.00)

The extent of manhole adjustments and reconstructions is determined in a walk-thru prior to any manhole work being started. In this case more sanitary manholes needed reconstruction than were originally anticipated.

Item No. 68 – Adjusting Sanitary Sewer Service Lines (-\$15,000.00)

This item was an estimated item to correct and/or adjust sanitary service lines that are in direct conflict with the proposed mainline storm sewer or watermain. This item was not needed anywhere on the project mostly due to the fact that most sanitary service lines were replaced on streets receiving storm sewer and watermain work. These services were installed in a way not to be in conflict with the proposed mainline storm sewer or watermain.

Item No. 69 – Lateral Video Inspection (Limited) (-\$6,300.00)

Lateral video inspections were used on an as-needed basis to examine the location and condition of existing sanitary sewer services as well as to determine whether or not the services are active or abandoned. The item was used but not needed to the extent of the plan quantity.

Item No. 71 – Vacuum Inserted Sewer Cleanout (-\$26,000.00)

The decrease is the result of this item not being needed anywhere on the project. All sanitary service work was open cut and therefore all sanitary cleanouts were installed as open cut and were incidental to Item 57. The entire quantity for this item can be removed from the contract.

Item No. 73 – Storm Sewers, 8” PVC SDR-18 (ASTM D-2241) (+\$6,543.60)

The increase is the result of modifications made to the proposed storm sewer to accommodate the large of amount of sump pump connections requested by homeowners throughout the project. Mainline storm sewer runs were extended on Coolidge and Dawes with additional curb structures and storm laterals installed as well.

Item No. 76 – Storm Sewers, 15” PVC SDR-18 (ASTM D-2241) (+\$10,354.50)

The increase is the result of changing the storm sewer run on Taylor just north of the Turner from 12 inch PVC to 15 inch PVC. This was done to accommodate the additional 12 inch PVC that was decided to be installed further to the north to pick up several sump pump connections in the area.

Item No. 83 – Catch Basins, 5’ Dia., Type C with C.I. Frame, Grate & Curb Box (-\$5,200.00)

The plan quantity was for two structures of this type to be placed in the curblines of Taylor. Modifications were made to the proposed storm sewer on Taylor Ave to accommodate the large number of sump pump connections requested by the homeowners. These modifications included installing catch basins of smaller diameters at the locations originally intended for this item. The entire quantity can be removed from the contract.

Item No. 91 – Adjust Storm Structure with New Frame & Open/Closed Lid (-\$9,750.00)

The decrease is the result of many storm manholes on the project needing to be reconstructed rather than just having the frame adjustment. Item 128 was added to the contract for storm manhole reconstruction and the adjustment as well as a new frame and lid is incidental to the item.

Item No. 92 – Connect to Existing Structure/Pipe (+\$6,250.00)

The increase is the result of the many sump pump connections that were installed throughout the project. These sump pump connections were installed at the request of the homeowner and not called out in the original contract plans. The cost of connecting these sump pump connections to the existing storm sewer system is covered under this item.

Item No. 93 – Inlet & Pipe Protection (-\$12,320.00)

The decrease is the result of the contractor not needing to implement any inlet or pipe protection during construction. The entire quantity can be removed from the contract.

Item No. 101 – Fire Hydrant with Auxiliary Valve & Valve Box (+\$7,600.00)

The increase is the result of the replacement of two additional hydrants not called out in the original plans. One hydrant is located at the northwest corner of Montclair and Turner and the other is located in the dead end of Lowden, west of Parkside. The hydrants were replaced due to their deteriorating condition.

Item No. 103 – Six Inch Gate Valve & Five Foot Diameter Vault (+\$6,400.00)

The increase is the result of two additional valves being installed near the intersection of Montclair and Turner. A valve was installed on the southeast corner of the intersection to replace an existing valve that was no longer operable. Another valve was installed on the north side of the intersection to minimize the number of homes that would be affected by future watermain shutdowns. Without this valve, all homes on Montclair between Hill and Highview would be shut off during any watermain work.

Item No. 109 – 1½” Dia., Water Service Connection (Long Side) (-\$6,300.00)

The decrease is likely the result of over-calculating the plan quantity. A total of 42 1½” long side water services were installed throughout the project. This includes every residence called out in the contract plans as receiving a water service of this type.

Item No. 112 – 1” Dia. Water Service Connection (Short Side – Lowden) (+\$6,000.00)

In the case that a residence already had a long side water service of 1” copper or larger tied into the existing main, the service was simply cut shorter and tied into the new water main without replacing the entire service. It was agreed to pay the services as short side water services to make up the difference, creating an increase in this item and a decrease in Item 111.

2. Item No. 124 – Sanitary Sewer Clean-Out, New Service (+\$2,500.00)

This item was added to the contract for the few locations where more than one cleanout had to be installed on a sanitary service. An additional cleanout was installed on services making sharp bends to avoid tree conflicts.

3. Item No. 125 – Sanitary Sewer Manhole, 4' Dia. (+\$5,300.00)

This item was added to the contract for the replacement of two sanitary manholes. One was located on Montclair just north of Highview and the other was on Taylor just north of Hill. In both cases the existing manholes were in poor condition.

4. Item No. 126 – Remove Existing Water Service Corp. & Install Stainless Steel Repair Sleeve (+\$3,850.00)

This item was added to the contract to remove the existing water service corporations from the Montclair watermain after the existing services were replaced. Leaving the existing corporation in place could lead to possible future watermain leaks or breaks.

5. Item No. 127 – Replace Sanitary Sewer Service from Existing PVC Tee to R.O.W. Including Cleanout (Montclair Roadway) (+\$24,000.00)

This item was added to the contract for the replacement of the sanitary sewer services on Montclair between Highview and Turner. The existing connection to the sanitary sewer main was already PVC so the service only needed to be replaced from the tee to the right-of-way, and no work near the sanitary sewer mainline was necessary.

6. Item No. 128 – Reconstruct Storm Manhole (+\$13,200.00)

This item was added to the contract for the reconstruction of storm manholes throughout the project. A walk-thru is done prior to any manhole adjustment work to determine the condition of the existing manholes and determine the extent of the work that is needed for proper rehabilitation. It was determined that 11 storm manholes needed to be reconstructed.

7. Item No. 129 – (Time & Material) Repair of Damaged Water Service at 586 Lowden (+\$2,425.37)

This item was added to the contract to cover the time and material costs of repairing the water service at 586 Lowden. This water service was damaged during the installation of new watermain on Lowden and forced the stoppage of watermain installation until the water service was repaired. The water service was located incorrectly and was actually located over 15 feet away from the actual location of the service.

8. Item No. 130 – Dumpster Placement to Remove Stump Grinding Materials from Project Corridor (+\$559.07)

This item was added to the contract to dispose of the material resulting from the stump grinding that took place on Taylor, Montclair and Turner west of Montclair. The grinding of the stumps is paid under item 131.

9. Item No. 131 – Stump Grinding on Taylor, Montclair and Turner West (+\$478.92)

Several trees were removed at the start of the project. The tree removal was done under the Village contract for tree removal not under this contract. The Village normally handles its own stump grinding in their tree removal contract, but due to scheduling issues the work could

not be performed in an adequate timeframe for construction to continue so the contractor was asked to take care of the stump grinding in place of the Village.

- 10. Item No. 132 – Repair Sprinkler System at 467 Taylor, 50%/50% Split (Contract Deduction) (-\$215.50)**

Minor damage was done to this sprinkler system during sidewalk replacement and sanitary sewer service work. The homeowner had the sprinkler system repaired and submitted the bill for the work to the Village. The Village and the contractor agreed to split the cost of the bill. The resulting contract deduction covers the half of the bill owed by the contractor.
- 11. Item No. 133 – (Time & Material) Watermain Leak at Hydrant Tee at Parkside and Dawes (Replace Bolts at Tee) (+\$2,705.50)**

This item was added to the contract to cover the time and material costs of repairing a leak in the newly installed hydrant at the northeast corner of the Parkside/Dawes cul-de-sac. This hydrant was recently installed by the Village but was found to have a steady pool of water surrounding it. The contractor was asked to investigate the leak and perform necessary corrective measures. A leak was found in the flange on the tee joining the hydrant and the main. The contractor replaced and tightened all bolts in the connection and the leak stopped.
- 12. Item No. 134 – Remove Existing Storm Structure (+\$550.00)**

This item was added to the contract for the removal of the storm structures at the northeast and southeast corners of the Parkside/Coolidge intersection. The plans called for their removal, but the structures were not in direct conflict with the new structures being installed so this item was added to cover the additional work to remove the structures.
- 13. Item No. 135 – (Time & Material) Broken B-Box Repairs (Hand Dig) Parkside, Coolidge, Dawes and Lowden (+\$20,609.92)**

This work was done at the request of the Village. Many existing b-boxes on Parkside, Coolidge, Dawes and Lowden were found to be damaged or in non-operating condition. The work involved adjusting the height of the b-boxes as well as replacing broken parts. All the work was hand-dug to limit parkway disruption and was done on a time and material basis.
- 14. Item No. 136 – (Time & Material) Storm Sewer Utility Conflict and Re-Design at the NE Corner of Parkside and Coolidge (+\$3,857.61)**

The proposed storm sewer on the northeast corner of Parkside and Coolidge had to be modified due to the direct conflict with the gas and water mains running north-south in the parkway of Parkside. The modifications including removing the pipe that had been installed prior to discovering the conflict, backfilling the hole and adding another storm manhole on the northwest corner of Parkside and Coolidge for the inlet on the northeast corner to flow into.
- 15. Item No. 137 – (Time & Material) Sanitary and Water Service Connection at 461 Taylor (+\$4,155.64)**

This item was added to the contract to compensate the contractor for the entire day spent locating the existing sanitary service at 461 Taylor Ave. An attempt was made to televise the sewer main from inside the home but could not be achieved do to debris in the sewer line.

- 16. Item No. 138 – Installation of 8” Flap Gate (+\$400.00)**

A storm inlet was added to the driveway at 138 South Parkside as a part of the system to alleviate the flooding issues with the downward sloping driveway. The inlet is connected to the storm manhole in the parkway with 8” storm sewer. The flap gate was installed in this manhole to keep any built up water in the manhole from reversing back through the 8” storm sewer and into the driveway.
- 17. Item No. 139 – 6” Gate Valve and Valve Box (+\$800.00)**

The existing valve at the dead end of Lowden (west of Parkside) was found to be leaking from its top bolts. It was decided to replace the valve due to concerns of the valve breaking completely.
- 18. Item No. 140 – Shaping & Grading of Existing Sub-Base (Alternate Streets) (+\$66,642.50)**

This item was added to the contract due to the complete pavement removal on the streets that were only to receive resurfacing. The pavement on these streets was too thin to be milled so all existing pavement was removed down to the aggregate sub-base. This item covered the shaping grading and in some cases adding additional aggregate to achieve the desired grade prior to paving.
- 19. Item No. 141 – Shaping & Grading of Existing Sub-Base (Jerry Haggerty-Village Outlot) (+\$3,681.51)**

This work was done at the request of the Village. Asphalt grindings were hauled in and spread over the parking lot area off of Lambert just north of Roosevelt behind Jerry Haggerty Chevrolet. The lot is used by the police department as an impound lot.
- 20. Item No. 142 – Work at the Dead End of Glen Ellyn Place (+\$9,200.00)**

This work was associated with the Park, Glen Ellyn Place, Prairie Project but was outside the original scope of that project. The contractor for that project was offered to perform that work but their price was not acceptable to the Village and no agreement could be reached. The contractor for 2009 Street Improvements Project submitted an acceptable price and the Village agreed to pay for this work under this contract.
- 21. Item No. 143 – (Time & Material) Watermain Break Repair at 517 Lowden (+\$9,569.20)**

Two watermain breaks occurred shortly after all substantial work on the project had been completed. The breaks occurred in the existing watermain just east of where the six inch valve was replaced near the dead end of Lowden (west of Parkside). This work was done on a time and material basis.
- 22. Item No. 144 – Installation of Sanitary Sewer Service for 462 Taylor (Time and Material) (+\$3,935.27)**

This item was added to the contract to compensate the contractor for mobilization costs and to cover out of sequence construction expenses for the sanitary sewer work done at 462 Taylor.

This work was done at the request of the Village due to the extremely poor condition of the sanitary sewer service. The work was done approximately 2 weeks before the actual beginning of the project and before any of the contracts had been finalized.

23. Item No. 145 – Corrective Treatment for Village Tress (Contract Deduction) (-\$4,934.60)

This item was added to the contract as compensation to the Village to cover the cost of the corrective action given to parkway trees that were damaged by the contractor during construction.

24. Item No. 146 – Traffic Control Detour for Closure of Hill and Taylor Intersection (+\$836.85)

This item was added to the contract to cover the cost of a detour route to complete work in the Hill and Taylor intersection. Underground work and concrete pavement replacement in the intersection was required as part of the project. This work would require installing road plates in the intersection or replacing one side of the roadway at a time. All parties agreed that if the intersection was closed all of the underground work and pavement replacement could be completed in a short time with the use of high early strength concrete. The intersection work was completed in six days and the detour route was in place for those same days. This item covers the cost of closing the intersection and detouring the traffic to complete the required work.

25. Item No. 147 – Additional Traffic Control and Protection (+\$8,038.38)

This item was added to the contract to cover the cost of traffic control required for an additional 14 days. The additional days were required due to minor problems and delays in the contract and added work to the contract in an approximate total cost of \$478,000.

CHANGE ORDER NO. 1 (FINAL) – CONSTRUCTION MANAGEMENT

With the additional work performed by the contractor, additional work was performed by our field engineering team from Civiltech. The original anticipated cost submitted by Civiltech was \$265,000: based on the amount of time anticipated for the contractor to build the project using the original contract quantities. As the project scope expanded, the need for additional construction oversight also increased. The final funding breakdown is as follows:

**2009 Street Improvements Project
Recommended Funding for Engineering Services During Construction
Civiltech Engineering**

Funding Source FY (09/10)	Account Number	Original Funded Amount	Original Contract Amount	Final Contract Amount	Change Order Number 1	Funding Requested
Water	50100-580100-00901	\$55,000	\$53,000	\$63,230	\$10,230	\$8,230
Sanitary Sewer	50200-580100-00901	\$45,000	\$39,750	\$47,422	\$7,672	\$2,422
Capital Projects	40000-580160-00901	\$180,000	\$172,250	\$205,495	\$33,245	\$25,495
TOTAL		\$280,000	\$265,000	\$316,147	\$51,147	\$36,147

CONCLUSION

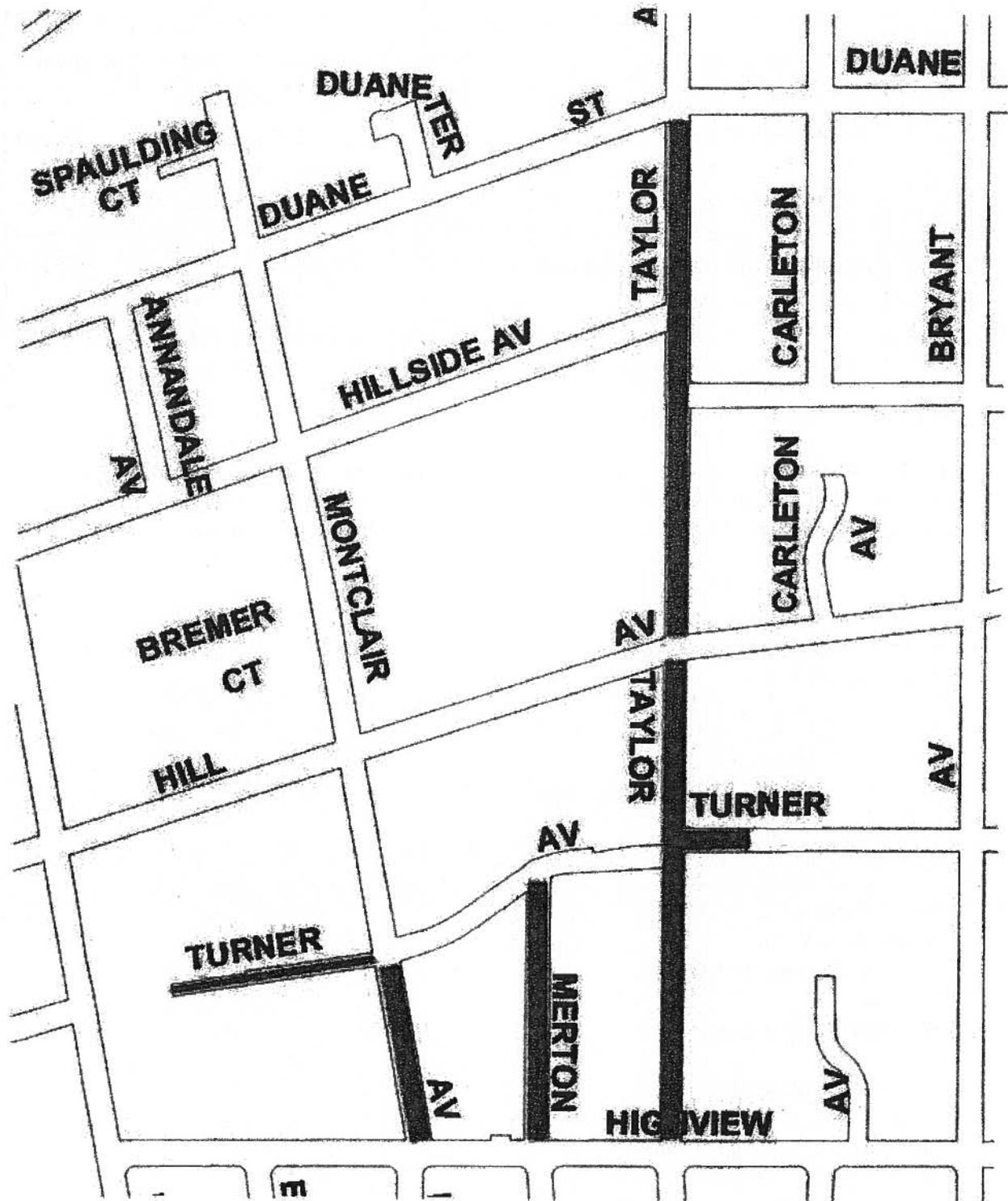
The twenty-five items included in this change order total an **increase in costs of \$478,054**. The modified contract total is **\$2,857,334**. Additional funding is required to close out the project. The total project cost is 20% over the original contract bid. There is 14 day time extension request for this project.

Civiltech incurred a **cost increase of \$51,147** for a revised contract total of **\$316,147**, about a 20% increase over the original anticipated cost. Additional funding is required to compensate Civiltech for their additional expenses.

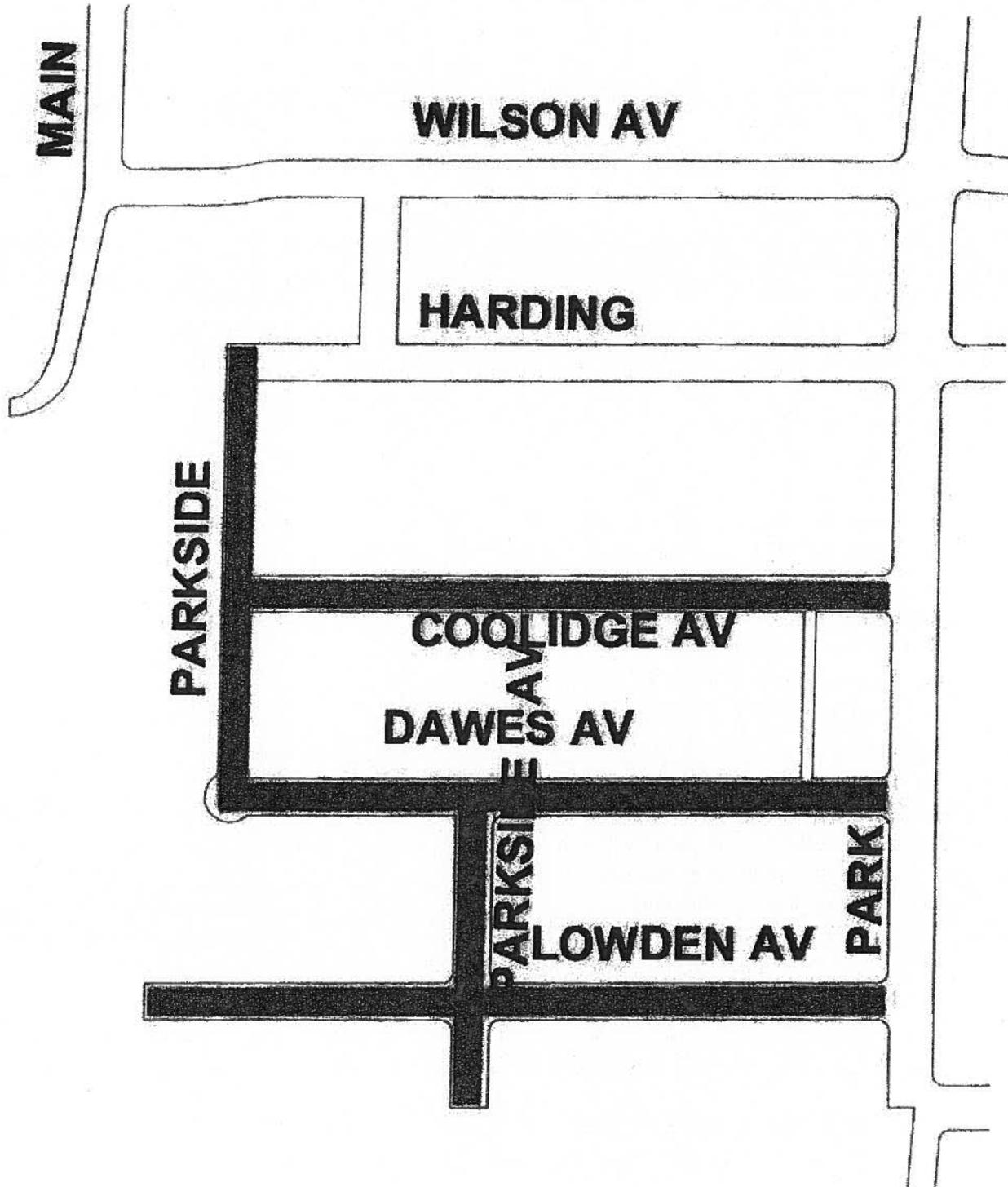
Enc. Location Map
Change Order Form
Summary of Contract Status
Resolutions
Final Quantity Spreadsheet

cc: Steve Jones, Village Manager
Patti Underhill, Administrative Clerk
Bob Minix, Professional Engineer
Kristen Schrader, Administrative Analyst
Dave Bugaj, Resident Engineer (Civiltech)

2009 STREET IMPROVEMENTS PROJECT MAP – NORTH AREA



2009 STREET IMPROVEMENTS PROJECT MAP – SOUTH AREA



**REQUEST FOR AUTHORIZATION OF CHANGES
CHANGE ORDER NO. 1**



Project Name: 2009 Street Improvements Project

To: Village of Glen Ellyn
30 S. Lambert Road
Glen Ellyn, IL 60137

Contractor: John Neri Construction Company, Inc.
770 Factory Road
Addison, IL 60101

Date: 3/15/2010

The following change from the Plans in the construction of the above designated project is recommended:

ITEM	DESCRIPTION	ADDITIONS	DEDUCTIONS
1	CONTRACT QUANTITY ADJUSTMENTS	\$637,983.79	\$342,075.93
2	SANITARY SEWER CLEANOUT, NEW SERVICE	\$2,500.00	
3	SANITARY SEWER MANHOLE, 4' DIAMETER	\$5,300.00	
4	REMOVED EXISTING WATER SERVICE CORP AND INSTALL STAINLESS STEEL REPAIR SLEEVE	\$3,850.00	
5	REPLACE SANITARY SEWER SERVICE FROM EXISTING PVC TEE TO ROW INCLUDING C.O.	\$24,000.00	
6	RECONSTRUCT STORM MANHOLE	\$13,200.00	
7	(T&M) REPAIR DAMAGED WATER SERVICE AT 586 LOWDEN	\$2,425.37	
8	DUMPSTER PLACEMENT TO REMOVE STUMP GRINDING MATERIALS FROM PROJECT CORR.	\$559.07	
9	STUMP GRINDING ON TAYLOR, MONTCLAIR AND TURNER WEST	\$478.92	
10	REPAIR SPRINKLER SYSTEM AT 467 TAYLOR, 50/50 SPLIT WITH VILLAGE	(\$215.50)	
11	WATERMAIN LEAK AT HYDRANT TEE AT PARKSIDE AND DAWES (REPLACE BOLTS AT TEE)	\$2,705.22	
12	REMOVE EXISTING STORM STRUCTURE	\$550.00	
13	REPAIR BROKEN B-BOXES ON PARKSIDE, COOLIDGE, DAWES AND LOWDEN (T&M)	\$20,609.92	
14	STORM SEWER UTILITY CONFLICT AND RE-DESIGN THE NE CORNER OF PARKSIDE/COOLIDGE	\$3,857.61	
15	SANITARY AND WATER SERVICE CONNECTIONS AT 461 TAYLOR (T&M)	\$4,155.64	
16	INSTALLATION OF 8" FLAP GATE	\$400.00	
17	6" GATE VALVE & 5' DIA. VALVE BOX	\$800.00	
18	SHAPING AND GRADING OF EXISTING BASE - ALTERNATE STREETS	\$66,642.50	
19	SHAPING AND GRADING OF EXISTING BASE - JERRY HAGGERTY - VILLAGE OUTLOT	\$3,681.51	
20	WORK AT THE DEAD END OF GLEN ELLYN PLACE	\$9,200.00	
21	(T&M) WATERMAIN BREAK AT 517 LOWDEN	\$9,569.20	
22	(T&M) INSTALLATION OF SANITARY SEWER SERVICE FOR 462 TAYLOR	\$3,935.27	
23	CORRECTIVE TREATMENTS FOR VILLAGE TREES (CONTRACT DEDUCTION)	(\$4,934.60)	
24	TRAFFIC CONTROL DETOUR FOR HILL CLOSURE AT TAYLOR INTERSECTION	\$836.85	
25	ADDITIONAL TRAFFIC CONTROL AND PROTECTION	\$8,038.38	

Amount of this Order: \$478,054.00 *

Amount of Previous Orders: \$0.00

Original Contract Amount: \$2,379,280.00 *

Original Contract Amount and Orders: \$2,857,334.00 *

The work covered by this Order shall be performed under the same terms and conditions as that included in the Original Contract.

Requested by:	Dave Bugaj, Civiltech Engineering		
Reviewed by:	Jeff Perrigo, Civil Engineer, VGE		
Recommended by:	Joe Caracci, P.E., Public Works Director, VGE		
Approved by:	Steve Jones, Village Manager, VGE		
Accepted by:	Nick Neri, John Neri Construction Company, Inc.		

* amount rounded to nearest dollar.

SUMMARY OF CONTRACT STATUS

3/15/2010

Project : 2009 Street Improvements Project
 Contractor : John Neri Construction Company
 Design Engineer : Pavia-Marting and Company
 Field Engineer : Civiltech Engineering, Inc.

Original Contract Bid Price	\$2,379,280.00
Village Board Authorized Amount	\$2,500,000.00
Water Fund (50100 580100) :	\$500,000.00
Sanitary Sewer Fund (50200 580100) :	\$375,000.00
Capital Fund (40000 580160) :	\$1,625,000.00

Original Contract Time :	Substantial Completion:	10/31/2009
	Final Completion :	10/31/2009

Contract Approved by Village Board on April 27, 2009

CHANGE IN CONTRACT PRICE

Change Order	App. by	App. Date	Add / Sub	Change Amount	Revised Contract Price
1	Board	4/12/2010	Add	\$478,054.00	\$2,857,334.00

CHANGE IN CONTRACT TIME

Change Order	App. by	App. Date	Add / Sub	Change Amount	Revised Contract Time
1	Board	4/12/2010	Add	14	Substantial Completion: 11/14/2009 Final Completion : 11/14/2009

CHANGE ORDER DESCRIPTION

Change Order	Description
1	Final Contract Quantity Adjustments; Sanitary sewer cleanout, new service; Sanitary sewer manhole, 4' diameter; Removed existing water service corp. and install stainless steel repair sleeve; Replace sanitary sewer service from existing PVC tee to R.O.W. including cleanout; Reconstruct storm manhole; Repair damaged water service at 586 Lowden (T&M); Dumpster placement to remove stump grinding materials from project corridor; Stump grinding on Taylor, Montclair and Turner; Repair sprinkler system at 467 Taylor, 50/50 split with Village; Watermain leak at hydrant tee at Parkside and Dawes (replace bolts at tee); Remove existing storm structure; Repair broken b-boxes on Parkside, Coolidge, Dawes and Lowden (T&M); Storm sewer utility conflict and re-design the NE corner of Parkside/Coolidge; Sanitary and water service connections at 461 Taylor (T&M); Installation of 8" flap gate; 6" gate valve & 5' diameter valve box; Shaping and grading of existing base - alternate streets; Shaping and grading of existing base - Jerry Haggerty - Village outlot; Work at the dead end of Glen Ellyn Place; Watermain break at 517 Lowden (T&M); Installation of sanitary sewer service for 462 Taylor (T&M); Corrective treatments for Village trees (contract deduction); Traffic control detour for Hill closure at Taylor intersection; Additional traffic control and protection.

RESOLUTION NO. _____

A RESOLUTION CONCERNING THE DETERMINATION OF
THE GLEN ELLYN VILLAGE BOARD THAT
CHANGE ORDER NUMBER ONE (FINAL)
WITH JOHN NERI CONSTRUCTION COMPANY
FOR AN INCREASE OF \$478,054 IS REQUIRED FOR THE
2009 STREET IMPROVEMENTS PROJECT
FOR A REVISED AND FINAL CONTRACT COST OF \$2,857,334

WHEREAS, Chapter 720, Section 5/33-E-9 of the Illinois Compiled Statutes 2002 requires change orders on public contracts involving total cumulative changes of more than Ten Thousand Dollars (\$10,000) in value or a cumulative total of thirty (30) days in time to be made by written determination; and

WHEREAS, it has been determined that it would be beneficial to the Village to compensate the contractor for out-of-scope work items required to complete on the project;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION ONE: The Corporate Authorities of the Village make the written determination that the circumstances necessitating the change were not within the contemplation of the contract as signed and that this change order is in the best interest of the Village.

SECTION TWO: The change order to which this determination involves, relates to the following contract: 2009 Street Improvements Project, John Neri Construction Company. The nature of Change Order Number One (Final) and the amount of change is as follows: Final Contract Quantity Adjustments; Sanitary Sewer Cleanout, New Service; Sanitary Sewer Manhole, 4' Diameter; Removed Existing Water Service Corp. and Install Stainless Steel Repair Sleeve; Replace Sanitary Sewer Service from Existing PVC Tee to R.O.W. Including Cleanout; Reconstruct Storm Manhole;

Repair Damaged Water Service at 586 Lowden (T&M); Dumpster Placement to Remove Stump Grinding Materials from Project Corridor; Stump Grinding on Taylor, Montclair and Turner; Repair Sprinkler System at 467 Taylor, 50/50 Split with Village; Watermain Leak at Hydrant Tee at Parkside and Dawes (Replace Bolts at Tee); Remove Existing Storm Structure; Repair Broken B-Boxes on Parkside, Coolidge, Dawes and Lowden (T&M); Storm Sewer Utility Conflict and Re-Design the NE Corner of Parkside/Coolidge; Sanitary and Water Service Connections at 461 Taylor (T&M); Installation of 8" Flap Gate; 6" Gate Valve & 5' Diameter Valve Box; Shaping and Grading of Existing Base - Alternate Streets; Shaping and Grading of Existing Base - Jerry Haggerty - Village Outlot; Work at the Dead End of Glen Ellyn Place; Watermain Break at 517 Lowden (T&M); Installation of Sanitary Sewer Service for 462 Taylor (T&M); Corrective Treatments for Village Trees (Contract Deduction); Traffic Control Detour for Hill Closure at Taylor Intersection; Additional Traffic Control and Protection, all for a net cost increase of four hundred seventy-eight thousand fifty-three dollars (\$478,054), for a revised and final contract price of two million eight hundred fifty-seven thousand three hundred thirty-three dollars (\$2,857,334), with an extension in contract time of fourteen days.

SECTION THREE: This written determination shall be preserved and in a permanent contract file that is open to the public.

SECTION FOUR: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2010.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of

_____, 2010.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

Item No.

Item No.	U/M	Estimated Quantity	Fund	To Date Qty.	Underrun	Overtime	General	Capital	Water	Sanitary	Total Amount
1	SPECIAL EXCAVATION	4,410.00 C		4,214.84	(\$5,342.70)			\$136,982.30			\$136,982.30
2	HOT-MIX ASPHALT (HMA) SURFACE REMOVAL, 3"	1,035.00 C						\$3,084.00			\$3,084.00
3	HOT-MIX ASPHALT (HMA) SURFACE REMOVAL, 3-1/2"	12,886.00 C		10,288	(\$21,000)			\$36,664.38			\$36,664.38
4	HMA PAVEMENT PATCH, 3"	1,415.00 C		37	(\$35,776.00)			\$962.00			\$962.00
5	HMA SURFACE COURSE, MIX "C", N60, 1-1/2", 1-3/4" OR 2"	2,498.42 TON		2,498.42				\$179,886.24			\$179,886.24
6	HMA BINDER COURSE, IL-19, N60, 2" OR 8"	2,198.00 TON		4,401.54				\$289,401.26			\$289,401.26
7	LEVELING BINDER (MACHINE METHOD) N50, 1-3/4" OR 2"	1,658.00 C		0	(\$109,863.00)			\$0.00			\$0.00
8	SUB-BASE GRANULAR MATERIAL, TYPE B, 6"	7,041.00 C		7,199.66				\$41,398.05			\$41,398.05
9	SUB-BASE GRANULAR MATERIAL, TYPE B, 10"	1,455.00 C		1,670.8				\$14,201.80			\$14,201.80
10	SHAPING AND GRADING OF EXISTING SUB-BASE	56.00 C		10,288				\$12,336.00			\$12,336.00
11	GEOTECHNICAL FABRIC FOR GROUND STABILIZATION	8,891.00 C		9,873.51				\$19,747.02			\$19,747.02
12	BITUMINOUS MATERIALS (PRIME COAT)	6,167.00 GAL		455.38	(\$63.35)			\$4.52			\$4.52
13	AGGREGATE (PRIME COAT)	50.00 C		2,35	(\$47.65)			\$2.35			\$2.35
14	PORTLAND CEMENT CONCRETE (PCC) PAVEMENT RESTORATION	160.00 C		208.7				\$13,565.50			\$13,565.50
15	HMA PAVEMENT RESTORATION	37.00 C		61				\$6,100.00			\$6,100.00
16	TEMPORARY SURFACE	300.00 C		0	(\$5,400.00)			\$0.00			\$0.00
17	COMBINATION CONCRETE CURB & GUTTER REMOVAL	2,655.00 C		3,736				\$11,208.00			\$11,208.00
18	COMBINATION CONCRETE CURB & GUTTER, TYPE B-6.12	7,410.00 L.F.		3,864.8				\$145,505.80			\$145,505.80
19	COMBINATION CONCRETE CURB & GUTTER, TYPE B-6.12 SPECIAL	1,164.00 C		0	(\$19,206.00)			\$0.00			\$0.00
20	CONCRETE ROLL CURB & GUTTER, 18"	390.00 C		380.7				\$6,567.08			\$6,567.08
21	CONCRETE ROLL CURB & GUTTER, 24"	810.00 C		729.5	(\$1,489.25)			\$7,634.85			\$7,634.85
22	SIDEWALK REMOVAL	13,125.00 C		3,789.7				\$13,495.75			\$13,495.75
23	P.C.C. SIDEWALK, 5"	472.00 C		2,695.73				\$66,216.22			\$66,216.22
24	DRIVEWAY PAVEMENT REMOVAL	1,000.00 C		3,803.75				\$37,712.22			\$37,712.22
25	DETECTABLE WARNING	328		328	(\$5,040.00)			\$161,661.08			\$161,661.08
26	HMA DRIVEWAY PAVEMENT	300.00 C		192.4	(\$3,873.60)			\$11,480.00			\$11,480.00
27	P.C.C. DRIVEWAY PAVEMENT	50.00 C		2,498.03				\$6,926.40			\$6,926.40
28	BRICK/STONE DRIVEWAY REMOVAL & RE-INSTALLATION	10.00 C		43.12	(\$206.40)			\$104,917.26			\$104,917.26
29	BRICK/STONE EDGING REMOVAL & RE-INSTALLATION	10.00 C		14.9				\$1,293.60			\$1,293.60
30	BRICK/STONE SIDEWALK REMOVAL & RE-INSTALLATION	5,680.00 G		98.07				\$23.50			\$23.50
31	PROTECTIVE COAT	8,935.00 G		148.13				\$1,471.05			\$1,471.05
32	SODDING, SPECIAL	800.00 G		480.15	(\$4,787.25)			\$18,691.80			\$18,691.80
33	TEMPORARY AGGREGATE	18.00 G		104	(\$1,800.00)			\$133,317.00			\$133,317.00
34	INTERSECTION RAMP	89.00 G		0	(\$125.25)			\$7,800.00			\$7,800.00
35	DRIVEWAY RAMP	90.00 C		0	(\$125.25)			\$0.00			\$0.00
36	THERMOPLASTIC PAVEMENT MARKING, LINE 4"	700.00 C		268.25	(\$1,079.38)			\$670.63			\$670.63
37	THERMOPLASTIC PAVEMENT MARKING, LINE 6"	70.00 C		20.45	(\$995.50)			\$1,177.25			\$1,177.25
38	THERMOPLASTIC PAVEMENT MARKING, LINE 12"	120.00 C		20.45	(\$995.50)			\$204.50			\$204.50
39	THERMOPLASTIC PAVEMENT MARKING, LETTERS & SYMBOLS	100.00 C		7,730.7				\$0.00			\$0.00
40	INSTALLATION & MAINTENANCE OF PROTECTIVE TREE FENCE	3,260.00 C		1,831.25	(\$1,124.06)			\$23,192.10			\$23,192.10
41	EARTH SAW-CUT OF TREE ROOTS	2,240.00 G		130				\$5,035.94			\$5,035.94
42	DUST CONTROL, SPECIAL	298.00 G		250	(\$230.00)			\$6,500.00			\$6,500.00
43	REMOVAL OF UNSUITABLE MATERIAL	750.00 C		1,334				\$1,250.00			\$1,250.00
44	POROUS GRANULAR EMBANKMENT, SUB-GRADE	50.00 C		84	(\$500.00)			\$37,352.00			\$37,352.00
45	UNDERCUTTING FOR UTILITIES	50.00 C		0	(\$500.00)			\$40,020.00			\$40,020.00
46	EXPLORATORY EXCAVATION	1.00 G		1				\$0.00			\$0.00
47	PRE-CONSTRUCTION VIDEO TAPING	1,000 G		1				\$2,100.00			\$2,100.00
48	SUPPLEMENTAL WATERING	40.00 G		3	(\$10.00)			\$4,200.00			\$4,200.00
49	STREET SWEEPING	4,000 G		0	(\$14,800.00)			\$0.00			\$0.00
50	TRAFFIC CONTROL & PROTECTION	1.00 G		1				\$1,200.00			\$1,200.00
51	CONSTRUCTION LAYOUT	1.00 G		1				\$68,900.00			\$68,900.00
52	PERIMETER EROSION BARRIER	300.00 C		0	(\$1,200.00)			\$15,000.00			\$15,000.00
53	EMBANKMENT, SPECIAL	400.00 C		0	(\$4,800.00)			\$0.00			\$0.00
54	SANITARY SEWER SERVICE, 6" PVC SDR 28 (ASTM D2241)	100.00 S		447				\$16,656.00			\$16,656.00
55	SANITARY SEWER SPOT REPAIR, 10" (ASTM D2241)	7.00 S		6	(\$3,600.00)			\$0.00			\$0.00
56	SANITARY SEWER SPOT REPAIR, 8" (ASTM D2241)	1.00 S		1				\$0.00			\$0.00
57	SANITARY SEWER, 10" PVC SDR-28 (ASTM D2241)	30.00 S		188				\$18,960.00			\$18,960.00
58	SANITARY SEWER, 8" PVC SDR-28 (ASTM D2241)	10.00 S		26.3				\$2,197.00			\$2,197.00
59	SANITARY SERVICE RECONNECTION (EXISTING MAIN)	9.00 S		63				\$16,000.00			\$16,000.00
60	SANITARY SERVICE RECONNECTION (SPOT REPAIR)	2.00 S		5	(\$3,600.00)			\$0.00			\$0.00
61	ADJUST SANITARY MANHOLE WITH NEW FRAME & CLOSED LID	2.00 S		16	(\$10,200.00)			\$0.00			\$0.00
62	RECONSTRUCT SANITARY MANHOLE BENCH	10.00 S		2				\$12,800.00			\$12,800.00
63	RECONSTRUCT SANITARY MANHOLE	10.00 S		0	(\$5,000.00)			\$0.00			\$0.00
64	SANITARY SERVICE EXPLORATION	20.00 S		0	(\$15,000.00)			\$0.00			\$0.00
65	ADJUSTING SANITARY SEWER SERVICE LINES	20.00 S		0	(\$15,000.00)			\$0.00			\$0.00

Item No.	UM	Estimated Quantity	Fund	To Date Qty.	Underrun	Overrun	General	Capital	Water	Sanitary	Total Amount
13	EACH	16.00	5	2	(\$6,300.00)					\$900.00	\$900.00
14	EACH	6.00	5	2	(\$2,400.00)					\$1,200.00	\$1,200.00
15	EACH	10.00	5	0	(\$26,000.00)					\$0.00	\$0.00
1	L.F.	1,200.00	C	850.2	(\$349,800)			\$850.20			\$850.20
2	L.F.	370.00	C	308	(\$440.00)	\$6,543.60					\$6,543.60
3	L.F.	316.00	C	515.8		\$2,436.00					\$2,436.00
4	L.F.	843.00	C	885		\$10,354.50					\$10,354.50
5	L.F.	94.00	C	253.3		\$3,900.00					\$3,900.00
6	EACH	8.00	C	10		\$0.00					\$0.00
7	EACH	7.00	C	9		\$3,700.00					\$3,700.00
8	EACH	1.00	C	3		\$5,550.00					\$5,550.00
9	EACH	3.00	C	3		\$5,625.00					\$5,625.00
10	EACH	1.00	C	2		\$1,850.00					\$1,850.00
11	EACH	2.00	C	0	(\$5,200.00)						\$0.00
12	EACH	1.00	C	0	(\$2,450.00)						\$0.00
13	EACH	1.00	C	0	(\$1,800.00)						\$0.00
14	EACH	2.00	C	4		\$3,800.00		\$7,600.00			\$7,600.00
15	EACH	2.00	C	2		\$2,300.00		\$4,600.00			\$4,600.00
16	EACH	16.00	C	20		\$4,000.00		\$20,000.00			\$20,000.00
17	EACH	1.00	C	3		\$1,900.00		\$2,850.00			\$2,850.00
18	EACH	2.00	C	6		\$1,800.00		\$2,700.00			\$2,700.00
19	EACH	30.00	C	15	(\$9,750.00)			\$9,750.00			\$9,750.00
20	EACH	14.00	C	39		\$6,250.00		\$9,750.00			\$9,750.00
21	EACH	77.00	C	0	(\$12,320.00)			\$0.00			\$0.00
22	L.F.	1,662.00	C	1,860.5		\$794.00		\$7,442.00			\$7,442.00
23	L.F.	80.00	C	78	(\$30.00)			\$1,170.00			\$1,170.00
24	L.F.	372.00	W	363.75	(\$643.50)			\$28,372.50			\$28,372.50
1	L.F.	897.00	W	876.5	(\$861.00)			\$71,873.00			\$71,873.00
2	L.F.	20.00	W	5.6	(\$1,296.00)			\$504.00			\$504.00
3	L.F.	774.00	W	788.5		\$986.00		\$53,618.00			\$53,618.00
4	EACH	5.00	W	8		\$1,500.00		\$4,000.00			\$4,000.00
5	EACH	12.00	W	14		\$7,600.00		\$53,200.00			\$53,200.00
6	EACH	2.00	W	2		\$0.00		\$1,900.00			\$1,900.00
7	EACH	3.00	W	5		\$6,400.00		\$16,000.00			\$16,000.00
8	EACH	2.00	W	2		\$0.00		\$6,000.00			\$6,000.00
9	EACH	3.00	W	3		\$0.00		\$10,350.00			\$10,350.00
10	EACH	14.00	W	12	(\$1,200.00)			\$1,200.00			\$1,200.00
11	EACH	8.00	W	10		\$1,000.00		\$2,500.00			\$2,500.00
12	EACH	7.00	W	6	(\$75.00)			\$450.00			\$450.00
13	EACH	46.00	W	42	(\$6,300.00)			\$88,200.00			\$88,200.00
14	EACH	36.00	W	34	(\$3,200.00)			\$54,400.00			\$54,400.00
15	EACH	10.00	W	6	(\$3,200.00)			\$4,800.00			\$4,800.00
16	EACH	10.00	W	6	(\$3,200.00)			\$18,000.00			\$18,000.00
17	L.F.	30.00	W	15		\$6,000.00		\$4,305.00			\$4,305.00
18	L.F.	50.00	W	172.2	(\$1,290.00)			\$210.00			\$210.00
19	L.F.	30.00	W	2	(\$1,290.00)			\$300.00			\$300.00
20	EACH	2.00	W	3		\$100.00		\$9,600.00			\$9,600.00
21	EACH	2.00	W	3		\$800.00		\$0.00			\$800.00
22	L.F.	50.00	W	0	(\$500.00)			\$0.00			\$0.00
23	L.F.	50.00	W	0	(\$500.00)			\$0.00			\$0.00
24	L.F.	50.00	W	0	(\$500.00)			\$0.00			\$0.00
25	L.F.	50.00	W	0	(\$500.00)			\$0.00			\$0.00
26	EACH	3.00	W	1	(\$500.00)			\$300.00			\$300.00
27	EACH	3.00	W	1	(\$500.00)			\$675.00			\$675.00
28	L.F.	48.00	W	9		\$450.00		\$0.00			\$450.00
X-1	EACH	5		5	(\$3,680.00)			\$0.00			\$0.00
X-2	EACH	5		5				\$2,500.00			\$2,500.00
X-3	EACH	5		5				\$5,300.00			\$5,300.00
X-4	EACH	5		5				\$3,850.00			\$3,850.00
X-5	EACH	8		8				\$24,000.00			\$24,000.00
X-6	EACH	11		11				\$13,200.00			\$13,200.00
X-7	L. SUM	W		1				\$2,425.37			\$2,425.37
X-8	EACH	G		1			\$559.07				\$559.07
X-9	L. SUM	G		1			\$478.92				\$478.92
X-10	L. SUM	G		1			(\$215.50)				(\$215.50)
X-11	L. SUM	W		1				\$2,705.22			\$2,705.22
X-12	EACH	C		2				\$550.00			\$550.00
X-13	L. SUM	W		1				\$20,609.92			\$20,609.92
X-14	L. SUM	C		1				\$3,857.61			\$3,857.61

John Neri Construction
2009 Streets

Item No.	Description	UM	Quantity	Fund	To Date City	Underrun	Overrun	General	Capital	Water	Sanitary	Total Amount				
													L. SUM	S/W	C	W
X-13	SANITARY AND WATER SERVICE CONNECTIONS AT 461 TAYLOR (T&M)	L. SUM	1		1					\$2,077.82	\$2,077.82	\$4,155.64				
X-14	INSTALLATION OF 8" FLAP GATE	L. SUM	1					\$400.00				\$400.00				
X-15	8" GATE VALVE & 5" DIA. VALVE BOX	EACH	1							\$800.00		\$800.00				
X-16	SHAPING AND GRADING OF EXISTING BASE - ALTERNATE STREETS	SY	13328.5							\$66,642.50		\$66,642.50				
X-17	SHAPING AND GRADING OF EXISTING BASE - JERRY HAGGERTY - VILLAGE OUTLOT	L. SUM	1									\$3,681.51				
X-18	WORK AT THE DEAD END OF GLEN ELLYN PLACE	L. SUM	1						\$9,200.00			\$9,200.00				
X-19	(T&M) WATERMAIN BREAK AT 517 LOWDEN	L. SUM	1							\$9,569.20		\$9,569.20				
X-20	(T&M) INSTALLATION OF SANITARY SEWER SERVICE FOR 462 TAYLOR	L. SUM	1								\$3,935.27	\$3,935.27				
X-21	CORRECTIVE TREATMENTS FOR VILLAGE TREES (CONTRACT DEDUCTION)	UNIT	4934.6					(\$4,934.60)				(\$4,934.60)				
X-22	TRAFFIC CONTROL DETOUR FOR HILL CLOSURE AT TAYLOR INTERSECTION	L. SUM	1					\$836.85				\$836.85				
X-23	ADDITIONAL TRAFFIC CONTROL AND PROTECTION	L. SUM	1					\$8,038.38				\$8,038.38				
Totals:												\$259,168.31	\$1,701,250.90	\$546,487.53	\$350,426.09	\$1,857,352.83

RESOLUTION NO. _____

A RESOLUTION CONCERNING THE DETERMINATION OF
THE GLEN ELLYN VILLAGE BOARD THAT
CHANGE ORDER NUMBER ONE (FINAL)
WITH JOHN NERI CONSTRUCTION COMPANY
FOR AN INCREASE OF \$478,054 IS REQUIRED FOR THE
2009 STREET IMPROVEMENTS PROJECT
FOR A REVISED AND FINAL CONTRACT COST OF \$2,857,334

WHEREAS, Chapter 720, Section 5/33-E-9 of the Illinois Compiled Statutes 2002 requires change orders on public contracts involving total cumulative changes of more than Ten Thousand Dollars (\$10,000) in value or a cumulative total of thirty (30) days in time to be made by written determination; and

WHEREAS, it has been determined that it would be beneficial to the Village to compensate the contractor for out-of-scope work items required to complete on the project;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION ONE: The Corporate Authorities of the Village make the written determination that the circumstances necessitating the change were not within the contemplation of the contract as signed and that this change order is in the best interest of the Village.

SECTION TWO: The change order to which this determination involves, relates to the following contract: 2009 Street Improvements Project, John Neri Construction Company. The nature of Change Order Number One (Final) and the amount of change is as follows: Final Contract Quantity Adjustments; Sanitary Sewer Cleanout, New Service; Sanitary Sewer Manhole, 4' Diameter; Removed Existing Water Service Corp. and Install Stainless Steel Repair Sleeve; Replace Sanitary Sewer Service from Existing PVC Tee to R.O.W. Including Cleanout; Reconstruct Storm Manhole;

Repair Damaged Water Service at 586 Lowden (T&M); Dumpster Placement to Remove Stump Grinding Materials from Project Corridor; Stump Grinding on Taylor, Montclair and Turner; Repair Sprinkler System at 467 Taylor, 50/50 Split with Village; Watermain Leak at Hydrant Tee at Parkside and Dawes (Replace Bolts at Tee); Remove Existing Storm Structure; Repair Broken B-Boxes on Parkside, Coolidge, Dawes and Lowden (T&M); Storm Sewer Utility Conflict and Re-Design the NE Corner of Parkside/Coolidge; Sanitary and Water Service Connections at 461 Taylor (T&M); Installation of 8" Flap Gate; 6" Gate Valve & 5' Diameter Valve Box; Shaping and Grading of Existing Base - Alternate Streets; Shaping and Grading of Existing Base - Jerry Haggerty - Village Outlot; Work at the Dead End of Glen Ellyn Place; Watermain Break at 517 Lowden (T&M); Installation of Sanitary Sewer Service for 462 Taylor (T&M); Corrective Treatments for Village Trees (Contract Deduction); Traffic Control Detour for Hill Closure at Taylor Intersection; Additional Traffic Control and Protection, all for a net cost increase of four hundred seventy-eight thousand fifty-three dollars (\$478,054), for a revised and final contract price of two million eight hundred fifty-seven thousand three hundred thirty-three dollars (\$2,857,334), with an extension in contract time of fourteen days.

SECTION THREE: This written determination shall be preserved and in a permanent contract file that is open to the public.

SECTION FOUR: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this

_____ day of _____, 2010.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of

_____, 2010.



Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois