

# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orlandpark.org](http://www.orlandpark.org)



## Meeting Minutes

Tuesday, September 7, 2021

6:00 PM

Village Hall

## Committee of the Whole

*Village President Keith Pekau  
Village Clerk Patrick R. O'Sullivan  
Trustees, William R. Healy, Cynthia Nelson Katsenes, Michael R. Milani,  
Sean Kampas, Brian Riordan and Joni Radaszewski*

**CALL TO ORDER/ROLL CALL**

The meeting was called to order at 6:00 P.M.

**Present:** 7 - President Pekau; Trustee Healy; Trustee Nelson Katsenes; Trustee Milani; Trustee Kampas; Trustee Riordan and Trustee Radaszewski

**APPROVAL OF MINUTES****2021-0620 Approval of the August 16, 2021, Committee of the Whole Minutes**

I move to approve the Minutes of the Regular Meeting of the Committee of the Whole of August 16, 2021.

**A motion was made by Trustee Nelson Katsenes, seconded by Trustee Milani, that this matter be APPROVED. The motion carried by the following vote:**

**Aye:** 7 - President Pekau, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, and Trustee Radaszewski

**Nay:** 0

**ITEMS FOR SEPARATE ACTION****2021-0644 An Ordinance Amending Title 4, Chapter 7 of the Village Code Regulating Water Discharges Related to Storm and Sanitary Sewer**

Village Code Title 4, Chapter 7 regulates discharges into the storm and sanitary sewers owned and maintained by the Village. A review of the section revealed a comingling of the requirements for the two separate and distinct systems, as well as the definitions contained therein. The attached draft separates the definitions and the requirements for each system.

**Storm Water Drainage Revisions**

These revisions address prior drainage conditions, clarify that older non-compliant storm water discharges may remain in place until a permit affecting them is required, and specify a setback distance for storm water discharges not tied to a Village storm sewer. Furthermore, the proposed regulations address modifications which create adverse drainage impacts to adjoining properties. This section is in conformance with the Illinois Drainage Law, but it replicates the provision in the local code to allow MV citations to be utilized for pursuing compliance.

**Sanitary Sewer Discharge Revisions**

The proposed revisions reorient the prior regulations under a unified section separate from the aforementioned storm water regulations with no substantive changes therein. Additionally, a duplicative section regarding responsibilities of contractors and plumbers is deleted.

All other sections of Title 4, Chapter 7, including Enforcement, Tests and Inspections, and Penalties remain unchanged.

Assistant Village Manager Greg Summers had comments regarding this matter. (refer to audio)

I move to recommend to the Village Board to adopt an Ordinance entitled: AN ORDINANCE AMENDING TITLE 4, CHAPTER 7 OF THE ORLAND PARK VILLAGE CODE IN REGARD TO DISCHARGES AND STORM AND SANITARY SEWERS

**A motion was made by Trustee Milani, seconded by Trustee Kampas, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:**

**Aye:** 7 - President Pekau, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, and Trustee Radaszewski

**Nay:** 0

#### **2021-0640 University of Chicago Medicine / 9650 Parking Deck Agreement**

The Village and the University of Chicago Medicine Center ("UCMC") entered into a ground lease in 2015 for the parcel located at 14290 S. LaGrange Road, pursuant to which UCMC constructed a multi-story Center for Advanced Care at that location. The ground lease agreement required the Village to construct a multi-level parking deck, two (2) public streets, sidewalks, and landscaping to serve the UCMC facility with funds from the Village's Triangle Tax Increment Financing District. It also required the parties to enter into a maintenance agreement for the parking structure, adjoining roadways, landscaping etc.

To date, the predominate user of the structured parking has been UCMC. UCMC maintains a higher level standard for its facilities (designated Premium Health Care Service Level 1), and it was always anticipated that UCMC would therefore manage the day to day operation of the 9650 Parking Deck and that the costs associated therewith would be apportioned in accordance to the use of the facility and surrounding environs. These tasks include plowing, deicing, snow removal, power washing, sweeping, landscape, litter control, and routine inspection of the facility. The Village maintains the responsibility for the capital repairs and replacement costs of the facility. Each respective task identified herein has been assigned an equitable percentage cost share based upon allocation of facilities and resources, as outlined in the agreement.

The attached multi-year agreement details the specific task lists and cost split for the aforementioned items. In short, the Village is now responsible for a \$171,049.90 true-up, which costs cover the documented expenses for the period from 2016 to current. Following the true-up payment, starting on the fourth quarter 2021, the Village would be responsible for expenses at a flat rate of \$21,709.75 per quarter (\$89,839.00 per year), with the amount being adjusted each year of

the five (5) year term, by the then current CPI-U figure, beginning in the first quarter of 2022.

To protect both parties from outlier snow years, the agreement calls out the average annual snowfall, as measured at the closest NOAA weather station, and applies a second quarter adjustment (up or down) for any season where snow totals are ten (10) inches greater, or less than, the annual snowfall average at a rate of \$1,521.44 per inch outside of that ten (10) inch buffer margin.

The agreement would automatically renew every five (5) years, unless there is a mutual agreement to terminate, subject to the parties gathering prior to each renewal to reset the quarterly payments based upon then current rates for the described services.

Assistant Village Manager Greg Summers had comments regarding this matter. (refer to audio)

Trustees Healy, Riordan and Milani had questions. (refer to audio)

Assistant Village Manager Summers responded to their questions. (refer to audio)

President Pekau had comments. (refer to audio)

I move to recommend to the Village Board a parking facilities maintenance agreement with the University of Chicago Medical Center for the parking garage located at 9650 W. 143rd Street.

**A motion was made by Trustee Kampas, seconded by Trustee Nelson Katsenes, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:**

**Aye:** 7 - President Pekau, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, and Trustee Radaszewski

**Nay:** 0

**2020-0681 Metro East Townhomes - Development Petition for Special Use Permit for a Planned Development, Site Plan, Landscape Plan, Elevations, Plat of Subdivision**

**Purpose**

The petitioner seeks approval of a planned development for attached dwellings, totaling greater than 50,000 sf, to subdivide one (1) existing lot on a 5.02-acre site into a ten (10) lot subdivision. The proposed site plan consists of forty-two (42) attached townhome dwelling units within eight (8) buildings.

Requested Actions: Special Use Permit for a Planned Development and approval of Site Plan, Landscape Plan, Elevations, and Plat of Subdivision

Address: 9300 W 143rd Street  
P.I.N.: 27-03-301-033-0000  
Parcel Size: 5.02 acres

**FULL REPORT ATTACHED**

The full report exceeds the length allowed in Legistar. Please refer to the attachment for the full length report to the Committee of the Whole.

Director of Development Services Ed Lelo had comments regarding this matter.  
(refer to audio)

President Pekau had questions. (refer to audio)

Director Lelo responded to President Pekau. (refer to audio)

Trustee Kampas had questions. (refer to audio)

Director Lelo responded to Trustee Kampas. (refer to audio)

President Pekau had a question. (refer to audio)

Director Lelo responded to President Pekau. (refer to audio)

President Pekau had comments. (refer to audio)

Director Lelo had questions for the Committee. (refer to audio)

President Pekau had a question. (refer to audio)

The petitioner, Greg Collins, presented the Board with information regarding this matter. (refer to audio)

Trustee Kampas had questions. (refer to audio)

Director Lelo responded to Trustee Kampas. (refer to audio)

Trustee Milani had questions and comments. (refer to audio)

Director Lelo responded to Trustee Milani. (refer to audio)

President Pekau had comments. (refer to audio)

Mr. Collins and Director Lelo addressed Mayor Pekau's comments. (refer to audio)

President Pekau entertained a motion to amend the motion to recommend the

Village Board approval of the plat of subdivision titled "Preliminary Plat of Subdivision for Metro East", prepared by CEMCON, Ltd., dated September 17, 2020 and last revised August 27, 2021, subject to the following conditions: 1. Submit a Record Plat of Subdivision to the Village for approval, execution and recording. 2. Add a cross-access easement between the subject property and 9260 W. 143rd Street. 3. For the Northwest road that is currently restricted to emergency only, is to make that an accessible road; leaving it to staff to make it a one-way or two-way, whatever makes sense to allow for traffic flow, particularly waste vehicles, snow vehicles and emergency vehicles. (refer to audio)

The amendment to the motion was moved by Trustee Katsenes and seconded by Trustee Healy. (refer to audio)

Regarding Case Number 2020-0681, also known as Metro East Townhomes, I move to recommend to the Village Board of Trustees approval of a Special Use Permit for a Planned Development for the Metro East Townhomes in the Village Center District; as recommended at the August 17, 2021 Plan Commission meeting and as fully referenced in the motion below.

**THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)**

I move to recommend to the Village Board approval of the Preliminary Site Plan titled "Preliminary Site Plan", prepared by Gary R Weber Associates, Inc., dated September 24, 2020 and last revised August 27, 2021, subject to the following conditions:

1. Meet all building code requirements and final engineering requirements, including required permits from outside agencies.
2. Screen all mechanical equipment either at grade or at rooftop with landscaping or parapets respectively.
3. The detention pond and associated stormwater facilities shall be privately owned and maintained by an established homeowners' association.
4. A special service area (SSA) shall be established to assure the privately owned detention pond will be maintained to Village standards.
5. Submit a sign permit application to the Development Services Department for separate review. Signs are subject to additional review and approval via the sign permitting process and additional restrictions may apply.
6. Remove existing sidewalk along 143rd Street and stripe a left turn lane into Harlowe Court.
7. Provide cash in lieu of park land donation and park cash as finalized at the time of the Development Agreement.
8. All retaining walls shall meet the requirements of Section 6-302.C.31 of the Land Development Code.
9. Petitioner shall work with staff and residents who live along the east property line to develop an appropriate barrier.
10. Petitioner shall work with staff to explore the possibility of adding additional parking spaces.

11. Petitioner shall comply with the Land Development Code requirements for parkway or trees in grates between the building and the street (Section 6-212.6.C) or return to the Plan Commission to request a Modification from the Land Development Code;

And,

I move to recommend to the Village Board approval of the Preliminary Landscape Plan, titled "Preliminary Landscape Plan", prepared by Gary R Weber Associates, Inc., dated September 25, 2020 and last revised August 27, 2021, subject to the following conditions:

1. Submit a final landscape plan meeting all Village Codes and all required supporting documentation addressing all outstanding landscape items in conjunction with the final engineering submittal.
2. Meet all tree mitigation and tree preservation requirements per Section 6-305.F of the Land Development Code.
3. Remove low-quality tree species such as buckthorn and mulberry in the far northwest corner of the plan and provide naturalized landscaping.
4. Provide pedestrian-scaled lamp posts to provide adequate lighting along the promenade and eastern landscaped walkway.
5. Provide a cash in lieu of land donation and park cash as finalized at the time of the Development Agreement;

And,

I move to recommend to the Village Board approval of the Elevations titled "5-Unit Building Mix Preliminary Character Elevations", prepared by BSB Design, dated August 27, 2021, and "6-Unit Building Mix Preliminary Character Elevations", prepared by BSB Design, dated August 27, 2021, and "Exterior Material Exhibit: Collections 1-4" subject to the following conditions:

1. Meet all building code requirements and final engineering requirements.
2. Coordinate the proposed elevations with the building footprints on the site plan.
3. Provide alternate building end elevations to ensure that windows are not aligned across from each other and to provide visual interest at the end of blocks;

And,

I move to recommend to the Village Board approval of the Plat of Subdivision titled "Preliminary Plat of Subdivision for Metro East", prepared by CEMCON, Ltd., dated September 17, 2020 and last revised August 27, 2021, subject to the following conditions:

1. Submit a Record Plat of Subdivision to the Village for approval, execution, and recording.
2. Add a cross-access easement between the subject property and 9260 W 143rd Street.
3. For the Northwest road that is currently restricted to emergency only, make that an accessible road; leaving it to staff to make it a one-way or two-way, whatever makes sense to allow for traffic flow; particularly waste vehicles, snow vehicles and emergency vehicles.

**A motion was made by Trustee Milani, seconded by Trustee Radaszewski, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:**

**Aye:** 6 - President Pekau, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Riordan, and Trustee Radaszewski

**Nay:** 1 - Trustee Kampas

**2021-0378 Lawler Resubdivision of Peony Place Subdivision - Development Petition for Site Plan and Subdivision**

In 2019, the Board of Trustees approved a three (3) lot subdivision for three (3) single family residences. Two (2) of the lots (Lots 1 and 2) had frontages on Third Avenue, with the third lot (Lot 3) having a frontage along 144th Place. At this time, only Lot 3 of Peony Place Subdivision has been constructed.

In addition, Variances were granted for lot widths exceeding the maximum fifty (50) feet for Lots 1 and 2 as well as to waive the required sidewalk along the east side of Second Avenue and the west side of Third Street.

The present petition is for the re-subdivision of the undeveloped Lots 1 and 2 into three (3) lots of conforming size as well as for approval for a conceptual Site Plan.

**CONTEXT & PROJECT DESCRIPTION**

The subject property is located west of Third Avenue, east of Second Avenue and is situated centrally in the residential area of the Old Orland Historic District. Single family residential homes surround the property on all sides. Just north of this development, is the Kelly Grove subdivision and to the south is the constructed Lot 3 of Peony Place Subdivision as well as two (2) other single family households.

The petitioner is proposing to subdivide the remaining two (2) lots of Peony Place Subdivision (Lots 1 and 2), located at 14414 and 14420 Third Avenue, into three (3) conforming lots. The lots are proposed as single family residential with detached garages at the rear. The proposed homes will be similar in size to recently constructed single family homes in the Historic District. The design and style of the new homes will meet Village building code and Historic District



regulations for new construction.

There are no Variances requested as part of this Development Petition. A Variance was granted previously for the Peony Place Subdivision to waive the sidewalk requirements on the west side of Third Avenue and the east side of Second Avenue. It has been determined by Development Services that the present re-subdivision does not constitute a need to re-petition for the Variance.

Overall, with the exception of the previously granted Variance to waive the sidewalks, the project conforms to the Village's Comprehensive Plan, Land Development Codes and policies for this area.

#### SITE PLAN

The proposed site plan indicates three (3) new single family residential lots with detached rear garages. The new homes are all located street facing. The three (3) proposed lots are oriented east to west and face Third Avenue, with detached garages located to the rear and accessed via a driveway that enters from the rear yard off of Second Avenue.

#### PLAN COMMISSION DISCUSSION - AUGUST 31, 2021

A public hearing was held before the Plan Commission on August 31, 2021. The issues discussed at the public hearing are summarized below:

Members of the public were in attendance at the public hearing. Concerns raised included the rear detached garages and the appearance of 2nd Avenue in regards to the amount of rear facing garages, whether the proposed project was in compliance with Old Orland Historic District standards, and concerns regarding the speed of traffic on 144th Place and the fear of increased traffic as a result of three (3) new single family houses.

Commission concerns included the following:

##### Sidewalks

Concerns were raised regarding the lack of proposed sidewalks surrounding the development. Staff stated that, when Peony Place Subdivision was first approved in 2019, a Variance was supported and granted to waive the sidewalk requirements as it's common for sidewalks in the Old Orland Historic District to only be installed on one side of the road. Sidewalk connections exist on the east side of Third Avenue and the west side of Second Avenue. Due to the fact that a Variance was previously granted for the waiving of the sidewalks, and after consultation with the Village's attorney, Development Services did not require the Variance be sought again as the area of impact is not expanding.

##### Stormwater

Commissioners expressed concerns regarding the existing infrastructure in Old Orland Historic District and the history of minor flooding throughout the district. Staff stated that the larger issue, aging infrastructure, cannot be resolved with any

single petition. New developments are required to contain and route its stormwater to the appropriate infrastructure. Scott Schreiner, the petitioner's Engineer, explained the projects design and how the design will meet Village requirements and that it will not result in any negative impacts to the surrounding area. Further, staff stated that the amount of permeable surface proposed for each of the lots is advantageous to controlling adverse stormwater issues.

Overall, the Plan Commission expressed support for the project. However, due to the public concern regarding safety and the Commission's concern regarding the waiving of the sidewalks, the Plan Commission voted 5-1 in the motion regarding the Plat of Subdivision in order to send the project to the Committee of the Whole for further discussion.

#### PLAN COMMISSION MOTION - AUGUST 31, 2021

On August 31, 2021, the Plan Commission moved by a vote of 6-0 to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated August 31, 2021;

And,

It moved, by a vote of 6-0, to recommend to the Village Board of Trustees to approve the preliminary site plan titled "Preliminary Site Plan", prepared by DesignTek Engineering, LLC and dated August 2, 2021, subject to the following conditions:

1. Meet all final engineering requirements including required permits and approvals from outside agencies, and;
2. Meet all building code requirements, and;
3. Screen all mechanical equipment either at grade or on the rooftop;

And,

It moved, by a vote of 6-0, to recommend to the Village Board approval of the Preliminary Landscape Plan titled "Preliminary Landscape Plan", Sheet L1, prepared by DesignTek Engineering, Inc., dated July 21, 2021, last revised August 2, 2021, subject to the same conditions as outlined in the Preliminary Site Plan motion;

And,

It moved, by a vote of 5-1, to recommend to the Village Board of Trustees to approve the preliminary plat of subdivision, titled, "Preliminary Plat of Lawler Re-Subdivision of Peony Place", prepared by DesignTek Engineering, LLC and dated August 2, 2021, subject to the same conditions outlined in the above preliminary site plan and the following conditions:

1. Submit a Record Plat of Subdivision to the Village for execution and recording.

Director of Development Services Ed Lelo had comments regarding this matter.  
(refer to audio)

Trustee Healy had questions. (refer to audio)

Director Lelo responded to Trustee Healy. (refer to audio)

Trustee Katsenes had comments. (refer to audio)

I move to recommend to the Village Board of Trustees approval of the Preliminary Site Plan, Preliminary Landscape Plan, and Preliminary Plat of Subdivision for the Lawler Resubdivision of Peony Place Subdivision located at 14414 and 14420 Third Avenue, as recommended at the August 31, 2021 Plan Commission meeting and as fully referenced in the motion below.

THIS SECTION FOR REFERENCE ONLY (NOT NECESSARY TO BE READ)

Regarding Case Number 2021-0378, also known as Lawler Re-subdivision of Peony Place Subdivision, I move to accept as findings of fact of this Plan Commission the findings of fact set forth in this staff report, dated August 31, 2021;

And,

I move to recommend to the Village Board of Trustees to approve the preliminary site plan titled "Preliminary Site Plan", prepared by DesignTek Engineering, LLC and dated August 2, 2021, subject to the following conditions:

1. Meet all final engineering requirements including required permits and approvals from outside agencies, and;
2. Meet all building code requirements, and;
3. Screen all mechanical equipment either at grade or on the rooftop;

And,

I move to recommend to the Village Board approval of the Preliminary Landscape Plan titled "Preliminary Landscape Plan", Sheet L1, prepared by DesignTek Engineering, Inc., dated July 21, 2021, last revised August 2, 2021, subject to the same conditions as outlined in the Preliminary Site Plan motion;

And,

I move to recommend to the Village Board of Trustees to approve the preliminary plat of subdivision, titled, "Preliminary Plat of Lawler Re-Subdivision of Peony Place", prepared by DesignTek Engineering, LLC and dated August 2, 2021,

subject to the same conditions outlined in the above preliminary site plan and the following conditions:

1. Submit a Record Plat of Subdivision to the Village for execution and recording.

**A motion was made by Trustee Healy, seconded by Trustee Kampas, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:**

**Aye:** 7 - President Pekau, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, and Trustee Radaszewski

**Nay:** 0

#### **2021-0657 FY2021 Budget Amendment #5 - Approval**

A detailed spreadsheet (by fund) reflecting budget adjustments is attached. This is the fourth budget amendment for FY2021.

##### General Fund

##### Staffing changes

##### Development Services

At the May 3, 2021 Village Board meeting, following an RFP process the Village awarded a contract to Safebuilt for Professional Plan Review. Inspection and Support services on an as-needed basis. At the Village's request, Safebuilt submitted a proposal to provide a 40-hour per week on-site employee to undertake the responsibilities of the Development Services Office Support Supervisor. The total estimated increase for the balance of 2021 is \$3,705.

##### Development Services

The Village is planning to implement a Zoning Coordinator responsible for review of all zoning requirements related to permit application submittals for both residential and commercial permit applications, including but not limited to, setbacks, allowable height, lot coverage, any other aspects of the Land Development Code. This cost will be offset by the elimination of the Building and Information Coordinator position. The estimated decrease for the balance of 2021 will be (\$5,394).

##### Finance

Lauterbach & Amen, LLP submitted a proposal to provide a 40-hour per week, on-site employee to undertake the responsibilities of the Accounts Payable Coordinator position that is vacant due to retirement. The estimated increase for the balance of 2021 is \$1,560.

##### Public Works

The Village is planning to reestablish the Fleet Manager position to oversee the

fleet functions. This cost will be offset by the elimination of the vacant part-time Public Works Management Analyst position. The estimated increase for the balance of 2021 is \$26,565.

#### Plan Reviews

With the additional need for outsourced plan reviews and the contract approved with Safebuilt, it is necessary to include a budget amendment to cover the anticipated costs for their services for the remainder of 2021. Total estimated cost for 2021 is \$142,000, based on early utilization, and is offset by the document scanning project (\$300,000) that was deferred in budget amendment #4. Additionally, development fees are collected to pay for these costs.

#### Capital Projects Fund

New cabling for digital camera upgrades at the Police Department are needed. To complete the work, a contract amendment will be required and will be considered at an upcoming board meeting.

#### G.O. Bonds

Budget amendments are required as a result of Bond Refundings that occurred earlier this year. The 2012A Bonds (Fund 423) were replaced by 2021A, which are being paid from the Water & Sewer Fund as well as the newly created Debt Service Fund, which will eventually account for all governmental debt service payments. The 2021B bonds include property tax revenue and an interest payment in 2021. In addition, the Village needs to amend the budget to reflect the early redemption payment for the 2022 TIF Bond.

Finance Director Kevin Wachtel had comments regarding this matter. (refer to audio)

President Pekau had a question. (refer to audio)

Director Wachtel responded to President Pekau. (refer to audio)

I move to recommend that the Village Board approve an increase in the General Fund expenditure budget in the amount of \$168,437, an increase in the revenue and expense budgets for the Water and Sewer Fund in the amount of \$211,565, an increase in the expenditures budget of the Capital Projects Fund in the amount of \$35,000, a decrease in the revenue and expenditure budgets for the Bonds & Interest 2012A GO Bonds Fund in the amount of \$894,300, an increase in the revenue and expenditure budget for the new Debt Service Fund in the amount of \$667,625, and an increase in the expenditure budget of the Bonds & Interest 2012B&C GO Bonds Fund in the amount of \$8,025,000, as detailed on the FY2021 Amendment #5

**A motion was made by Trustee Kampas, seconded by Trustee Healy, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:**

**Aye:** 7 - President Pekau, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, and Trustee Radaszewski

**Nay:** 0

**2021-0646 An Ordinance Amending Appendices A and B to Salary Ordinance No. 5637 - Ordinance**

The attached ordinance formally approves amendments to Appendix A and Appendix B that were approved by the Board on December 21, 2020 and amended on April 19, 2021, June 7, 2021, and August 2, 2021. These appendices reflect changes to positions as summarized below.

The changes to the Salary Ordinance are:

- Add the Full-Time position of Fleet Manager (Grade 10)
- Add the Full-Time position of Zoning Coordinator (Grade 5)

Director of Finance Kevin Wachtel had comments regarding this matter. (refer to audio)

I move to recommend that the Village Board approve an ordinance entitled: An Ordinance Amending Appendices A and B to Ordinance No. 5637.

**A motion was made by Trustee Riordan, seconded by Trustee Kampas, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:**

**Aye:** 7 - President Pekau, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, and Trustee Radaszewski

**Nay:** 0

**2021-0654 Tinley Creek Stabilization - Consultant Recommendation for Design Engineering Services**

A request for proposals (RFP) for Design Engineering Services for the Tinley Creek Streambank Stabilization (RFP #21-015) was issued on February 22, 2021. Proposals were opened on March 29, 2021. The RFP was posted on BidNet. A total of eight (8) responses were received by the Village.

Staff evaluated all responses against the required scope of services and the following evaluation criteria established in the RFP:

-Total Professional Fee	40%
-Firm's and PM's experience and example projects	20%
-Overall proposal completeness and project understanding	20%
-Design schedule	10%
-Selection team's discretion	10%

### Proposal Evaluation Scores

The following are the evaluation scores for all responses received by the Village:

Consultant Name	Proposed Fee	Total Score	Comments
-V3 Companies Specifications	\$366,955	95	Met RFP
-HR Green Specifications	\$383,490	92	Met RFP
-Engineering Resource Associates, Inc. Specifications	\$419,652	81	Met RFP
-Farnworth Group, Inc. Specifications	\$464,100	76	Met RFP
-Michael Baker, International, Inc. Specifications	\$649,460	60	Met RFP
-Cardno, Inc. Specifications	\$785,000	58	Met RFP
-BLA, Inc. Meet Specifications	\$176,662	53	Did Not
-Living Water Consultants, Inc. Meet Specifications	\$276,550	43	Did Not

Based on the information submitted by BLA, Inc. and Living Waters Consultants, Inc., the staff concluded that these two (2) responses do not meet the minimum project requirements and they will not be able to deliver the required deliverables for the project.

#### Reasons for Rejecting BLA, Inc. Response:

-The consultant's proposed scope of services does not include obtaining required permits, which would be a significant and time consuming effort for this project. The Village's RFP required that the consultants will be responsible for acquiring all applicable permits.

-Wetland delineations are not included. The U.S. Army Corps of Engineers require that any wetland delineation older than five (5) years must be redone. The U.S. Army Corps of Engineers permit for this project expired about two (2) years ago.

-The consultant has allocated only twenty (20) hours to review the previous design work completed by MWRDGC. Staff's project understanding and experience demonstrate that this effort is significantly underestimated to complete a proper review of the documents. The RFP requires that the "selected consultant performs a detail review" of MWRDGC original design. This is a necessary step in revising and updating the existing design and cost estimates.

Reasons for Rejecting Living Water Consultants, Inc. Response:

The response includes several exclusions, and staff is most concerned about the following items:

The response includes several exclusions and staff is most concerned about the following items:

- A detail project schedule is not provided in the response, which was a required item in the RFP.

- A maintenance and Management (M&M) plan is not included, which is required to determine ongoing maintenance costs. The M&M plan and costs are required to establish the SSA for long-term creek maintenance.

- Additional soil borings are not included in the project scope. This is required, especially in the added section of the Creek.

- The proposal offers a maximum of "15-percent survey redo" of the survey completed by MWRDGC design, almost ten (10) years ago. This survey limit is very concerning to the staff as staff know the Creek has continued to erode since the original design was completed. Additional surveys are required to complete the design and prepare accurate construction plans and costs for the project.

- The consultant has assumed "all completed engineering plans are available in digital CAD compatible format." The Village has and will provide electronic files received from MWRD, but there is no guarantee that "all" documents are available in "CAD compatible format." The consultants are required to develop their own drawings as needed.

- The consultant has offered to reduce its proposed fee by \$45,000 if a "Professional Land Survey is not Necessary to Survey Property Boundary Lines for Individual Parcels (properties in Preparation of the Temporary and Permanent Easements for Individual Parcels)." Staff believes that this statement shows that the consultant does not fully comprehend the project requirements and deliverables. Without a "Professional Land Survey" this project cannot be completed.

Staff has concluded that V3 Companies, Ltd. (V3) has provided the most responsive, responsible proposal. Staff's engineering estimate for the total



professional fee was approximately \$400,000 and V3's fee is approximately 10% below the estimate. Therefore, staff is recommending to award this project to V3. V3 included the necessary scope of services to complete the project and deliver required documents to meet the requirements of the project.

President Pekau had comments. (refer to audio)

Engineering Programs and Services Director Khurshid Hoda presented information regarding this matter. (refer to audio)

Trustee Riordan had questions. (refer to audio)

Director Hoda responded to Trustee Riordan. (refer to audio)

Trustee Katsenes had questions. (refer to audio)

Director Hoda and Village Manager George Koczwara responded to Trustee Katsenes. (refer to audio)

Trustee Kampas and comments and questions. (refer to audio)

Director Hoda and President Pekau responded to Trustee Katsenes. (refer to audio)

Trustee Radaszewski had questions. (refer to audio)

Director Hoda and Village Manager Koczwara responded to Trustee Radaszewski. (refer to audio)

President Pekau had comments and questions. (refer to audio)

Director Hoda and Village Manager Koczwara responded to President Pekau. (refer to audio)

I move to recommend to the Village Board to award RFP 21-015 for Tinley Creek Stabilization - Design Engineering Services to V3 Companies, Ltd. in an amount not to exceed \$366,955;

And,

I move to recommend to the Village Board to authorize the Village Manager to execute all related contracts and additional services subject to Village attorney review.

**A motion was made by Trustee Kampas, seconded by Trustee Nelson Katsenes, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:**

**Aye:** 6 - President Pekau, Trustee Healy, Trustee Milani, Trustee Kampas, Trustee Riordan, and Trustee Radaszewski

**Nay:** 1 - Trustee Nelson Katsenes

**2021-0655 Tinley Creek Stabilization - Intergovernmental Agreement (IGA) between Village of Orland Park and MWRDGC**

An Intergovernmental Agreement was negotiated between the Village of Orland Park and Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) for Design Engineering Services and a Construction Contract for the Tinley Creek Stabilization Project. This proposed agreement was reviewed by the following staff and their comments have been incorporated in the Agreement:

- MWRDGC's engineering staff;
- Village's engineering staff;
- Village Manager's office;
- MWRDGC's attorneys; and
- Village's attorneys.

The agreement is attached for Board of Trustees review. The following are major items that are included in the Agreement:

-MWRDGC retains the discretion to adjust the amount of its reimbursement commitment if, based on MWRDGC's review of the final construction documents, including any addenda, change orders, shop drawings, or field changes, it determines that the project will not provide the intended public benefit.

-Although MWRDGC will reimburse the Village for a portion of the project, the Village bears sole responsibility for the overall cost, expense, and payment for the project, which the Village will construct in accordance with the final construction documents.

-The Village must meet the following MWRDGC participation goals applicable to the Project before construction is completed:

- twenty percent (20%) of the total amount of reimbursement provided by MWRDGC for the project must be applied to work performed by Minority-Owned Business Enterprises ("MBE"); and
- ten percent (10%) of the total amount of reimbursement provided by MWRDGC for the project must be applied to work performed by Women-Owned Business Enterprises ("WBE"); and
- ten percent (10%) of the total amount of reimbursement to be provided by MWRDGC for the project must be applied to work performed by Small Business Enterprises ("SBE").

The Village should meet the following participation goal applicable to the project before construction is completed: three percent (3%) of the total amount of

reimbursement to be provided by MWRDGC for the project should be applied to work performed by Veteran-owned Small Business Enterprise ("VBE").

The Village, at its sole cost and expense, will provide land acquisition and remediation, if any; and construction oversight and administrative support for the project.

The Village will submit an Operation and Maintenance Plan (hereinafter the "O&M Plan") for MWRDGC's review and approval. The O&M Plan will be included as part of the Agreement as Exhibit 9. At its sole cost and expense, the Village will operate and maintain the project in accordance with the O&M Plan.

MWRDGC will reimburse the Village for fifty percent (50%) of the cost of final design of the Project, but in no event will that amount exceed One Hundred Thousand and 00/100 Dollars (\$100,000.00) ("Maximum Final Design Reimbursement Amount"). The Village will be responsible for securing funding or contributing its own funds for all costs necessary to complete final design of the Project. The Village will be solely responsible for change orders, overruns, or any other increases in the final design cost of the Project. All funding provided by MWRDGC pursuant to this paragraph will be exclusively to reimburse the Village for final design cost of the Project.

MWRDGC will reimburse the Village for seventy and 20/100 percent (70.2%) of the total construction cost of the project, but in no event will that amount exceed Three Million Seven Hundred Thousand and 00/100 Dollars (\$3,700,000.00) (the "Maximum Construction Reimbursement Amount"). For purposes of this Agreement, "construction" will mean all work necessary to build the Project as depicted in the construction documents. The Village will be responsible for securing funding or contributing its own funds for all costs necessary to construct the project in accordance with the construction documents. The Village will be solely responsible for change orders, overruns, or any other increases in the cost of the project. All funding provided by MWRDGC pursuant to this paragraph will be exclusively to reimburse the Village for construction of the project.

The Village is responsible for all other project costs including engineering, property acquisition, other design-related costs, construction inspection, and the remainder of the construction cost that is not reimbursed by MWRDGC.

Federal, State, and County Requirements. The Village will obtain all federal, state, county, and local permits required by law for the construction of the Project and will assume any costs in procuring said permits. Additionally, the Village will obtain all consents and approvals required by federal, state, and/or county regulations for the construction of the project and will assume any costs incurred in procuring all such consents and approvals.

If the Project Site is located entirely within a right-of-way or perpetual easement or

on other property represented to be owned solely by and within the Village, prior to execution of this Agreement, the Village must have an enforceable property interest in the project site and provide proof of that interest to MWRDGC. If the project site is situated entirely in a right-of-way or perpetual easement or on other property owned solely by and within the Village, and if no proof of dedication, perpetual easement, or ownership is available, the Village may request and submit the form affidavit that MWRDGC will provide which must be executed by an authorized officer of the Village. Acceptance of the affidavit is at MWRDGC's discretion.

For all surrounding property impacting or being impacted by the project, prior to starting construction of the project, the Village will acquire any temporary or permanent easements, license agreements, or fee simple title necessary for access to the project site as well as construction and maintenance of the project.

The Village, at its sole cost and expense through the creation of a SSA, will perpetually maintain the streambank stabilization along Tinley Creek and any other associated appurtenances in accordance with the O&M plan approved by MWRDGC.

I move to recommend to the Village Board to approve the Intergovernmental Agreement by and between the Village of Orland Park and the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) for the Design, Construction, Operation and Maintenance of the Streambank Stabilization Project along Tinley Creek in Orland Park, Illinois.

**A motion was made by Trustee Riordan, seconded by Trustee Kampas, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees.**

**The motion carried by the following vote:**

**Aye:** 7 - President Pekau, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, and Trustee Radaszewski

**Nay:** 0

## **NON-SCHEDULED CITIZENS & VISITORS**

Resident Maryann Mahlen addressed the Board. (refer to audio)

**ADJOURNMENT: 7:13 P.M.**

**A motion was made by Trustee Kampas, seconded by Trustee Nelson Katsenes, that this matter be ADJOURNED. The motion carried by the following vote:**

**Aye:** 7 - President Pekau, Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, and Trustee Radaszewski

**Nay:** 0

**2021-0663 Audio Recording for the September 7, 2021, Committee of the Whole Meeting**

**NO ACTION**

**/AS**

Respectfully Submitted,

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**Patrick R. O'Sullivan, Village Clerk**